

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Premises Licence in respect of Torbay Showground, Brixham Road, Paignton, TQ4 7BH

Wards Affected: **Churston with Galmpton**

To: **Licensing Sub Committee**

2 July 2026

Contact Officer: **Carrie Cottell**

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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 and the plan of the premises are shown in Appendix 1.

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

The sale by retail of alcohol for consumption on the premises from 1200 hrs to 2230 hrs Monday to Sunday.

The provision of live music indoors and outdoors from 1200 hrs to 2230 hrs Monday to Sunday. For 4 events per year.

The provision of recorded music indoors and outdoors from 1200 hrs to 2230 hrs Monday to Sunday. For 4 events per year.

The provision of the performance of dance indoors and outdoors from 1200 hrs to 2230 hrs Monday to Sunday.

The provision of anything of a similar description to live music, recorded music or performances of dance indoors and outdoors from 1200 hrs to 2230 hrs Monday to Sunday.

The opening hours of the premises are 0600 hrs to 0000 hrs Monday to Sunday.

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

Torbay Showground is a 12 acre green land set just off the A3022, Brixham Road. The site benefits from easy access for both vehicular and pedestrians with bus stops located approximately 150m (from Brixham) & 300m (from Paignton) from its northern entrance. The event area of the site is primarily flat, with hills to the south of the site. The premises license is being sought in order to be able to use the site for different types of events.

A street map and an overhead view of the location of the land 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 3 Representations from the Responsible Authorities, that being Tom West of Environmental Health, Gareth Fudge of Environmental Health and Rachael Shotton, Police Licensing Officer, Devon and Cornwall Constabulary. These are shown in Appendix 3.

We have received 28 Representations from Interested Parties who object to the application. 1 Representation was received from Christopher Lazenby who is the Service Manager for the Highways Team. His representation states that he is a Responsible Authority. Under the Licensing Act 2003, Highways are not listed as a Responsible Authority. Therefore, we have accepted his representation as being from an Interested Party.

The representations from Interested Parties are shown in Appendix 4.

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

- 2.3 The Applicant has provided information to support their application. This includes videos and audio recordings, support from members of the public and a letter from the landowner. This is shown in Appendix 5.
- 2.4 Paragraph 1.19 of Torbay Council's Licensing Statement of Principles states 'In general, all premises which are the subject of a licensing application should have the benefit of planning permission or be deemed permitted development. Licensing and Planning are separate regimes but consents from both must be in place to operate legally. The Licensing Authority, as per paragraph 9.45 in the Section 182 Statutory Guidance, requires the two committees and officers to work together to achieve a common agreement. If there is variance between the hours given under a licence and those permitted by the planning permission, the earlier hours will apply. The author of the report confirms that there is no planning permission, nor permitted development in place for the site in which this premises licence is intended to operate.
- 2.5 The Authority is required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary.
- 2.6 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.
- 2.7 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:
 - 2.8 – 2.10
 - 2.15
 - 9.45
 - 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
 - 1.19
 - 1.22 – 1.23
 - 1.25
 - 2.3 – 2.4
 - 2.6

- 3.1 – 3.11
- 3.28
- 4.3 – 4.4 and 4.6
- 5.3

- Appendix 3 – Prevention of Public Nuisance

2.8 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.

2.9 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.

2.10 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 order as to costs as it thinks fit.

Rachael Hind
Regulatory Services Manager

Appendices

- Appendix 1 Application Form and Plan of the Premises
- Appendix 2 Street Map and Overhead view of location
- Appendix 3 Representations from Responsible Authorities
- Appendix 4 Representations from Interested Parties
- Appendix 5 – Supporting Information from the Applicant

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