



Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Variation to a Premises Licence in respect of Paignton Rugby Football Club, Queens Park, Queens Road, Paignton TQ4 6AT**

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub- Committee** On: **8 April 2014**

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## **1. Key points and Summary**

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Variation to a Premises Licence.
- 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” and “The Prevention of Public Nuisance”.
- 1.4 The matter must be considered on its own merits having received details of the issues arising either at a hearing or by written Representations if all parties have agreed that a hearing is not necessary. Having regard to the Representations and issues arising, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives. These are either:-
  - (a) to modify the conditions of the licence, or
  - (b) reject the application in whole or in part.

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

- 1.5 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.

## **2. Introduction**

- 2.1 An application has been made under Section 34 of the Act for a Variation to a Premises Licence. Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A brief description of the proposed Variation is as follows:-

To increase the hours for Live Music from the existing hours of 10.00 – 22.00 Monday to Sunday, both indoors and outdoors, to the following:-  
Monday to Wednesday 10.00 – 23.00  
Thursday to Saturday 10.00 – 01.00  
Sunday 10.00 – 00.00

To increase the hours for Recorded Music and the Performance of Dance from the existing hours of 10.00 -22.00 Monday to Sunday, both indoors and outdoors to the following:-  
Monday to Wednesday 10.00 – 00.00  
Thursday to Saturday 10.00 – 01.00  
Sunday 10.00 – 23.00

To increase the hours for the Sale of Alcohol from the existing hours of 10.00 - 22.00 Monday to Sunday, on the premises only, to the following:-  
Monday to Wednesday 10.00 – 00.00  
Thursday to Saturday 10.00 – 01.00  
Sunday 10.00 – 23.00  
To allow alcohol to be sold both on and off the premises during these times.

To add the activity of Late Night Refreshment both on and off the premises for the following:-  
Monday to Wednesday 23.00 – 00.00  
Thursday – Saturday 23.00 – 01.00

To increase the hours they are Open to the Public from 10.00 – 22.30 Monday to Sunday, to the following:-  
Monday to Wednesday 10.00 – 00.30  
Thursday to Saturday 10.00 – 01.30  
Sunday 10.00 – 23.30

To allow all the above activities to finish at 01.00 on Christmas Eve and 03.00 on New Year's Eve, closing 30 minutes after these timings.

The above hours are requested from the 2<sup>nd</sup> September to 29<sup>th</sup> April which is when the Premise operates.

To increase the number of times a year that events can take place from 6 times a season to 16 times a season.

A number of further conditions have been proposed by the applicant to support the request for the above variation.

2.2 The current Premises Licence is shown as Appendix 2.

2.3 Torbay Council as the Licensing Authority is satisfied that the Applicant has met the administrative requirements of Section 35(1) but is unable to issue the variation to the Premises Licence, as relevant Representations have been received from a Responsible Authority and members of the public. The Licensing Authority is also satisfied that the Representations were received within the appropriate time-scale, have not been subsequently withdrawn and are not vexatious or frivolous.

We have received a representation from Public Protection in relation to the Licensing Objective “The Prevention of Public Nuisance”. This is shown as Appendix 3.

We have received 9 written representations from members of the public in relation to the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. Within these representations there are 15 signatories. These are shown as Appendix 4.

There have been no additional Representations received from any other Responsible Authority or any other Interested Party.

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.
- 2.5 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.
- 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 4(2) of Schedule 5 to :-
  - (a) The applicant for the variation of the licence against any decision to modify the conditions
  - (b) Any person who made a relevant representation in relation to the application who desires to contend
    - (i) that any variation made ought not to have been made, or
    - (ii) that, when varying the licence, the Licensing Authority ought to have modified the conditions of the licence or ought to have modified them in a different way.
- 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.

**Frances Hughes**  
**Executive Head Community Safety**

## **Appendices**

Appendix 1	Relevant sections of the application form.
Appendix 2	Copy of the current Premises Licence.
Appendix 3	Representation from Public Protection.
Appendix 4	Representations from members of the public.

**Documents available in members' rooms**

None

**Background Papers:**

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

The current Premises Licence for the above Premise.  
Torbay Council Licensing Policy 2011.