

Public Agenda Item: **Yes**

Title: **Preston Conservative Club, 299 Torquay Road, Paignton TQ3 2EY**

Wards Affected: **Preston**

To: **Licensing Sub- Committee** On: **14 September 2017**

Contact Officer: **Mandy Guy**
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1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premises detailed above, for a variation to a Club Premises Certificate.
- 1.2 The application relates to all the Corporate Priorities within the Corporate Plan.
- 1.3 The matters raised relate to the Licensing Objective “The Prevention of Public Nuisance”.
- 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 if all parties have agreed that a hearing is not necessary. Having regard to the representations, 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 84 of the Act for a Variation to a Club Premises Certificate. 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 licence the garden at the front of the premises from 11.00 until 21.00 to allow members to drink outside. The garden is presently used as a smoking area.

- 2.2 A copy of the current premises licence showing the licensable activities, timings and conditions is shown at Appendix 2 of this report.
- 2.3 Torbay Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Section 85(1) but is unable to issue the amended certificate as a relevant representation has been received from an Interested Party. The Authority is also satisfied that the Representation has been received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

We have received one Representation from 2 members of the public relating to the Licensing Objective "The Prevention of Public Nuisance". This is shown as Appendix 3.

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

- 2.4 The Authority is required to conduct a hearing by the provisions of Section 85(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 10(b) 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
Assistant Director (Community and Customer Services)

Appendices

Appendix 1	Relevant parts of the application form
Appendix 2	Copy of current Certificate
Appendix 3	One representation from 2 members of the public

If the above appendices are not attached to this report, they can be viewed at Connections Offices in Torquay, Paignton and Brixham and Torquay, Paignton, Churston and Brixham Libraries. Copies can also be obtained from the Democratic Services Office, Town Hall, Torquay.

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016-2021 .