

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – Temporary Event Notice in respect of Quay Nightclub Ltd, 26 Victoria Parade, Torquay TQ1 2BD dated for 1st November 2019 to the 3rd November 2019**

Wards Affected: **Tormohun**

To: **Licensing Sub-Committee** On: **10th October 2019**

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

- 1.1 To consider and determine a Temporary Event Notice, in respect of the Premises detailed above.
- 1.2 The application relates all to the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objective, “Public Safety” and 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 Objection Notices, a decision must be made to take such steps as are necessary for the promotion of the licensing objectives “Public safety” and “The Prevention of Public Nuisance”. These are either:-
 - (a) to serve a Counter Notice, or
 - (b) not to serve a Counter Notice, for the event.

A Counter Notice would prohibit the temporary event from taking place.

forward thinking, people orientated, adaptable - always with integrity.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notice required to be served on the applicant and the Responsible Authority at the determination of the matter.

2. Introduction

- 2.1 The Temporary Event Notice (TEN) has been submitted under Section 100 of the Licensing Act 2003 for the above premises. Details of the Temporary Event Notice are shown in Appendix 1.

Brief descriptions of the proposed events are as follows:

The TEN covers three days starting at midnight on the 1st November and finishing at 03:00 on the 3rd November 2019.

The Notice specifies three different times when licensable activities will be taking place. These are divided into the following times:-

The licensable activities will commence at midnight on Friday 1st November 2019 and cease 3 hours later at 03:00;

The licensable activities will commence again at 21:00 on the same day, Friday 1st November 2019 and cease 6 hours later at 03:00 on Saturday 2nd November 2019;

Then at 21:00 on Saturday 2nd November 2019 the licensable activities will commence again and cease 6 hours later at 03:00 on Sunday 3rd November 2019.

Throughout the above times the licensable activities that are intended to be carried out are the Sale by Retail of Alcohol, the Provision of Regulated Entertainment and Late Night Refreshment.

The Applicant has described the event in section 3 of the Temporary event Notice as "A generic celebration of Halloween, with DJ, dancefloor, full bar sales, fancy dress, live performers (close up magicians, harlequins etc)".

- 2.2 Torbay Council as Licensing Authority is satisfied that the applicant has met the administrative requirements of Section 100 but is unable to acknowledge the notifications as an Objection Notice has been received from the Public Protection, under section 104(2). The Authority is also satisfied that the Objection Notice has been received within the appropriate time-scale and has not been subsequently withdrawn. See Appendix 2.
- 2.3 The Authority is required to conduct a hearing by the provisions of Section 105(2) unless all parties agree that this is not necessary.
- 2.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including details of the procedure to be followed at the hearing.
- 2.5 If the decision of the Licensing Sub-Committee is to issue a Counter Notice, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 16(2) of Schedule 5, to the applicant.
- 2.6 If the decision of the Licensing Sub-Committee is not to issue a Counter Notice, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 16(3) of Schedule 5 to the Responsible Authority who issued the Objection Notice.

- 2.7 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.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

- Appendix 1 Temporary Event Notice for 1st to the 3rd November 2019
- Appendix 2 Objection Notice from the Public Protection

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016-2021.