

Minutes of the Statutory Licensing Sub-Committee**2 October 2025****-: Present :-**

Councillors Douglas-Dunbar, Foster and Spacagna

16. Election of Chairman/woman

Councillor Spacagna was elected as Chair for the meeting.

17. Minutes

The Minutes of the meetings of the Sub-Committee held on 10 July, 31 July, 7 August and 21 August 2025 were confirmed as a correct record and signed by the Chair.

18. Application for the Grant of a Premises Licence in respect of Hotel Indigo, Torbay Road, Torquay, TQ2 6RH

Members considered a report on an application for a Premises Licence in respect of Hotel Indigo, Torbay Road, Torquay.

Written Representations received from:

Name	Details	Date of Representation
Public Protection Officer	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance'.	Undated
7 Members of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Crime and Disorder', 'The Prevention of Public Safety' and 'The Prevention of Public Nuisance'.	15 August 2025, 18 August 2025, 26 August 2025, 30 August 2025, 1 September 2025, 2 September 2025 and 9 September 2025
3 Members of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Crime and Disorder' and 'The Prevention of Public Nuisance'.	18 August 2025, 6 September 2025 and 9 September 2025
3 Members of the Public	Representation objecting to the application for a Premises Licence on the grounds of 'The Prevention of Public Nuisance'.	19 August 2025, 29 August 2025 and 31 August 2025

Oral Representations received from:

Name	Details
Applicant	The Applicant's Legal Representative, supported by the Interim General Manager and the Director and Finance Business Partner, presented the submitted application and responded to questions from Members.
4 Members of the Public	4 Members of the Public outlined their objections to the Application for a Premises Licence and responded to Member's questions.
Ward Councillor	A Ward Councillor represented a Member of the Public to outline their objection to the Application for a Premises Licence and responded to Member's questions.

Decision:

That the application for a Premises Licence in respect of Hotel Indigo, Torbay Road, Torquay, be granted, subject to the additional conditions, proposed by Environmental Health and agreed by the Applicant, and subject to the following reduced hours:

‘The supply of alcohol to non-residents from 1100 hrs to 2300 hours only.’

And the following additional conditions:

- The rooftop bar and rooftop terrace area to be restricted to hotel residents only.
- Closure of the rooftop bar and rooftop terrace area shall be no later than 2300 hours.
- Non-residents will be required to vacate the premises by 2300 hours.
- The external emptying of bottle bins for disposal to be restricted to between 0900 hours and 2100 hours.
- The premises shall provide a dedicated contact telephone number for local residents to be able to contact the Duty Manager of the Hotel in the case of noise nuisance or anti-social behaviour by persons or activities associated with the premises.

Reason for the Decision:

Having carefully considered all the written and oral representations, Members unanimously resolved to grant the licence, with the addition of the conditions proposed by Environmental Health as a Responsible Authority and agreed with the Applicant prior to the hearing, and confirmed by the Applicant at the hearing to be agreed, together with a reduction in the hours for the sale and supply of alcohol for

non-residents; and additional conditions, being satisfied that these collective measures sought to ensure the promotion of the Licensing Objectives.

In coming to their decision, Members had careful regard to the concerns raised by Interested Parties which consisted of 13 written representations, all objecting to the application, and the oral representations of 5 of those objectors all raising similar concerns around anticipated noise nuisance from the premises and from patrons returning to their vehicles late at night, an increase in anti-social behaviour in the area, and insufficient parking provision for hotel guests and visitors.

Members were mindful that whilst the premises has a sea front location, it is located within what is predominantly a residential area, with residential properties situated within close proximity to the side and the rear of the building, with many of these being flats with multiple occupants.

Of particular concern to those Interested Parties was the rooftop bar and rooftop terrace of the premises on the fourth floor. Members heard that it was the operator's intention for the rooftop bar and rooftop terrace to close at 2300 hours, and that use of the area would require pre-booking, with waitress service. Whilst the area could accommodate 76 seated patrons, it was not envisaged that this would be achieved. Upon questioning, Members were reassured that the rooftop bar and rooftop terrace did not extend to the rear of the building and that it had been constructed with screening, purposefully designed for sound muffling.

However, following lengthy deliberations, and to ensure that the Licensing Objective; the Prevention of Public Nuisance would be promoted, Members resolved to restrict use of the rooftop bar and rooftop terrace to hotel guests only, to the exclusion of non-residents who Members could foresee being likely to cause a greater noise nuisance, not being subject to the same expectations or oversight as hotel guests, leading to a higher likelihood of rowdy behaviour, and disruption to nearby residents.

Members determined, that by restricting the rooftop terrace area to hotel residents only and to condition closure of the rooftop bar and rooftop terrace by 2300 hours, that this would reduce potential noise nuisance caused to nearby residential properties, provide some reassurance and comfort to the Interested Parties with a definitive closure time, and promote the Licensing Objective, 'The Prevention of Public Nuisance'.

In addition, Members determined that by requiring all non-residents to leave the premises by 2300 hours, this would mitigate the anticipated noise disturbance from patrons arriving, leaving, or congregating outside the premises; traffic and parking issues caused by increased footfall, and disturbance in the early hours from those returning to their parked vehicles which was to be entirely foreseeable given the perceived lack of parking provision at the hotel of 102 parking spaces for 153 rooms. All of which would be a direct causal link by patrons of this premises.

Members noted the additional concerns raised by the Interested Parties which were beyond the remit of the Licensing Sub-Committee. Of those which were within their remit, Members could not be satisfied, despite hearing how the intended operators are experienced license holders operating many other premises of this size with some in

sensitive areas, that once the premises was trading, noise nuisance from patrons would be managed appropriately, the operating schedule not providing sufficient mitigation, and though they committed to engage responsibly with their immediate neighbours to overcome any concerns, should they arise, residents had reported no engagement from them to date.

Members resolved that with the amended and additional conditions which in their deliberation, required careful consideration, resultant of the need to balance the premises intended operation and the increased offer and benefit to the Bay, with the concerns of those Interested Parties who raised objections, that the premises' operation in compliance of those conditions, would promote the Licensing Objectives.

In concluding, Members noted the absence of any representations received from any of the Responsible Authorities and resolved that the inclusion of the additional conditions would alleviate the concerns raised by the Interested Parties.

Members noted that a Review of the Premises Licence could be sought by any Interested Party or Responsible Authority should issues arise, as a result of this grant of a Premises Licence.

Chair