

Minutes of the Statutory Licensing Sub-Committee

19 February 2026

-: Present :-

Councillors Douglas-Dunbar, Foster and Spacagna

(Also in attendance: Councillors Chris Lewis, David Thomas and Jacqueline Thomas)

19. Election of Chair

Councillor Spacagna was elected as Chair for the meeting.

20. Minutes

The Minutes of the meeting of the Sub-Committee held on 2 October 2025 were confirmed as a correct record and signed by the Chair.

21. Licensing Act Review in respect of Mollys, North Quay, Paignton

Members considered a report on an Application for a Review of a Premises Licence in respect of Molly's, North Quay, Paignton.

Written Representations were received from:

Name	Details	Date of Representation
Public Protection Officer (Applicant)	Application and supporting correspondence for a Review of the Premises Licence in respect of Molly's, North Quay, Paignton.	30 December 2025
Public Health Specialist	Statement from Torbay Council as the Responsible Authority for Public and Statutory Noise.	6 January 2026
Service Manager – Development Management, Spatial Planning	Statement from Torbay Council as the Responsible Authority for Planning.	12 January 2026
Members of the Public	Fourteen Representations supporting the Application for a Review of the Premises Licence.	31 December 2025, 7 January 2026, 16 January 2026, 20 January 2026, 21 January 2026, 22 January 2026, 23 January 2026, 24 January 2026,

		25 January 2026 and 26 January 2026
The Respondent	Representation objecting to the Application for a Review of the Premises Licence.	11 February 2026
Members of the Public	Fifteen Representations objecting to the Application for a Review of the Premises Licence.	30 December 2025, 31 December 2025, 3 January 2026, 4 January 2026, 23 January 2026, 24 January 2026, 25 January 2026 and 26 January 2026

Additional Information:

At the Hearing, the Public Protection Officer (Applicant) played four sound recordings.

Oral Representations were received from:

Name	Details
Public Protection Officer (Applicant)	The Applicant outlined the Application for a Review of a Premises Licence and responded to Members' questions.
The Respondent's Legal Representative	The Respondent's Legal Representative responded to the Application for a Review of a Premises Licence and responded to Members' questions.
Member of the Public	A Member of the Public outlined their support for the application for a Review of a Premises Licence and responded to Members' questions.
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Member of the Public	A member of the Public outlined their objection to the Application for a Review of a Premises Licence and responded to Members' questions.
Member of the Public	A member of the Public outlined their objection to the Application for a Review of a Premises Licence and responded to Members' questions.

Member of the Public	A member of the Public outlined their objection to the Application for a Review of a Premises Licence and responded to Members' questions.
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Decision:

That the premises licence in respect of Molly's, North Quay, Paignton be modified as follows:

1. the Live Music exemption under s.177A of The Licensing Act 2003 shall be removed; and
2. no regulated entertainment shall take place at any time.

Furthermore, conditions 1 and 2 under the Prevention of Public Nuisance licensing objective in Annexe 2 of the operating schedule of the licence be removed and replaced with the following condition:

Sufficient measures must be in place to remove litter or waste arising from customers and to prevent such litter/waste accumulating in the immediate vicinity of their premises. Where necessary, adequate measures must be in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc.

To note: if the Premises Licence Holder wishes to undertake future regulated entertainment at these premises, they must apply for a licence variation to include regulated entertainment as a licensable activity.

Reasons for Decision:

The Members of the Statutory Licensing Sub-Committee carefully considered all the written and oral representations made in respect of the review of the Premises Licence for Molly's, North Quay, Paignton. In doing so, the Sub-Committee took account of the Licensing Act 2003, the statutory guidance issued under section 182 of the Licensing Act 2003, the Council's own Licensing Statement of Principles, the oral submissions at the hearing, and the need to promote the Licensing Objectives.

Having heard from all parties, the Sub-Committee was satisfied, on the balance of probabilities, that live and recorded music at the premises had caused, and would likely to continue to cause, a public nuisance to local residents in the immediate vicinity and in the wider area. Members accepted the evidence from Environmental Health, bringing the review as a Responsible Authority, that 9 complaints were received from four separate complainants between August and December 2025, and that the complaints were consistent in describing significant disturbance arising from amplified music to the extent that it had been necessary to serve a Noise Abatement Notice on the premises.

Of the fourteen representations in support of the Review Application, Members heard oral Representations of six persons affected by noise emanating from the premises. Additionally, the Sub-Committee were played video recordings presented by Environmental Health, which demonstrated that music emanating from the premises was clearly audible inside nearby residential properties, including bedrooms and living rooms, even when windows were closed.

Residents who addressed the Sub-Committee gave accounts of frequent and intrusive noise occurring on multiple days per week, including Sunday afternoons, which prevented them from relaxing in their homes, watching television, reading, concentrating on work or study, and, in some cases, forced them to leave their homes for respite. The Sub-Committee accepted that the disturbance was substantial and had been experienced over a sustained period. Members were additionally mindful of the written Representation received from Public Health as a Responsible Authority, around the impact that continuing noise nuisance can have on mental health and wellbeing.

The Sub-Committee gave significant weight to the evidence that the premises consists of a temporary gazebo-type structure with openings and no effective sound insulation. In the absence of any noise insulation, Members accepted the professional view of Environmental Health, that the structure was essentially an open-air venue within a mixed-use area, and that usual noise attenuation measures whether through insulation, noise limiters, or repositioning of speakers would be unlikely to address the noise nuisance emanating from within the existing building structure. The Sub-Committee noted that the Premises Licence Holder acknowledged that no formal Noise Management Plan was in place and that the sound monitoring undertaken consisted only of mobile phone apps, which Environmental Health described as unreliable and inappropriate for managing noise emissions.

Although the Premises Licence Holder had expressed a willingness to implement further measures, the Sub-Committee was disappointed that no Noise Management Plan was before them for consideration and / or that the Premises Licence Holder had not secured the attendance of a Noise Consultant appointed by the premises, to attend the hearing. The Sub-Committee could not therefore be persuaded that the Premises Licence Holder had a sufficient and suitable plan in place to prevent noise escape at the premises.

In determining what steps were appropriate, the Sub-Committee deliberated whether conditions, time restrictions, or further management measures could reasonably prevent the recurrence of nuisance. However, Members concluded that without evidence before them in that regard, in the form of a Noise Management Plan, or otherwise, they could not be certain what appropriate and proportionate conditions and whether such measures would be effective in such unique premises which accorded with the Premises Licence Holders intended operation of the premises. It was clear to Members of the Sub-Committee, that the fundamental issue was the physical nature of the premises itself, which allowed amplified sound to escape easily into the surrounding area and that expert advice particularly in respect of noise management at such unique premises was required to inform how these premises

could operate regulated entertainment in a manner which did not undermine the Licensing Objectives.

Whilst Members noted those conditions proposed by the Premises Licence Holder, which were intended to form part of the Noise Management Plan, they further noted that these were considered to be insufficient by Environmental Health, and upon consideration of the same, noted them to be general in nature for such a nonstandard premises.

The Sub-Committee took account of submissions made on behalf of the Premises Licence Holder that the venue contributes to local tourism and community life, and noted the fifteen Representations in support of the premises, though noting that many were from those who performed at the premises, and whilst keen for this to continue, also recognised the rights of residents to enjoy the peaceful occupation and enjoyment of their homes and the impact of not being able to as a direct result of this premises regulated entertainment. On balance, and in view of the extent, frequency, and impact of the disturbance experienced by residents, the Sub-Committee determined that removing the Live Music Act exemption and prohibiting regulated entertainment at the premises at this time, was both necessary and appropriate in the circumstances and regrettably was the only effective and proportionate step available to promote the Licensing Objectives, namely; the Prevention of Public Nuisance.

The Sub-Committee emphasised that this prohibition does not prevent the Premises Licence Holder from applying for a variation to their premises licence in the future, further to structural improvements at the premises, and the implementation of measures to effectively control noise escape from the premises.

The Sub-Committee further agreed to remove the existing conditions relating to nuisance under Annex 2 of the licence, as these were outdated and imprecise. It replaced them with an enforceable condition requiring the Premises Licence Holder to ensure that sufficient measures were in place to prevent litter or waste arising from their premises from accumulating in the vicinity of the premises, and to provide appropriate receptacles for customer waste when necessary.

Having taken all matters into account, the Sub-Committee was satisfied that the modifications to the licence were necessary, appropriate, and proportionate to address the ongoing problems of public nuisance and to ensure the continued promotion of the Licensing Objectives.

Members noted that should any issues arise, a further Review of the Premises Licence can be sought by a Responsible Authority or any other person.