

**Meeting:** Cabinet

**Date:** 14 July 2025

**Wards affected:** All

**Report Title:** Licensing Act 2003 – Draft Licensing Statement of Principles (Licensing Policy) 2026 - 2031

**When does the decision need to be implemented?** 07 January 2026

**Cabinet Member Contact Details:** Councillor Hayley Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, Hayley.tranter@torbay.gov.uk

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## 1. Purpose of Report

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1.1 The Licensing Act 2003 requires Torbay Council, under its role as Licensing Authority, to review and publish a 'Statement of Licensing Policy' (the Licensing Policy), every five years. The Statement of Principles outlines how the Council will administer applications and regulate licensable activities. It also specifies under what circumstances applications may be successful and the measures necessary to promote the licensing objectives.

## 2. Reason for Proposal and its benefits

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2.1 The Licensing Act Statement of Licensing Policy is a framework policy document and as such Cabinet approval is required in order to commence public consultation.

2.2 The proposal is made in order to meet the statutory requirement, as prescribed under section 5 of the Licensing Act 2003, which requires the Licensing Authority to prepare and publish a statement of its Licensing Policy at least every five years.

The Authority has reviewed its current Licensing Policy and has prepared a draft 'Statement of Licensing Policy 2026-31' which will be formally published on the 18 July 2025 inviting public consultation and comment for a period of six weeks. This is attached as **Appendix 1** to this report.

2.3 The Statement ensures clarity as to how the Council will fulfil its role as the Licensing Authority and provides guidance to businesses and the public. This Statement assists

businesses to function safely and within the law. It therefore helps to promote two of the Corporate Plan priorities, namely community and people, and economic growth.

**Community and People** – The Licensing Policy will allow for effective control of alcohol supply, which will assist in reducing alcohol harm and thereby reduce inequality. Whilst alcohol misuse affects individuals from all sections of society, those from the most disadvantaged communities experience the highest burden of harm.

**Economic Growth** – The draft Licensing Policy aims to assist in the delivery of a safer, more vibrant Torbay. This in turn should attract more visitors to Torbay and also support an increase in the numbers of citizens of Torbay who will utilise the social, cultural and sporting offers available. Opportunities for increased levels of employment should follow. A safe and vibrant leisure economy will allow Torbay to be positively marketed attractive destination both nationally and internationally.

### 3. Recommendation(s) / Proposed Decision

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- 3.1 That Cabinet approves the draft Licensing Act Statement of Policy 2026 to 2031, for public consultation.

#### Appendices

Appendix 1: Draft Licensing Act Statement of Policy 2026 to 2031

#### Background Documents

1. Current Licensing Statement of Policy (Licensing Policy) 2021 – 2026 - [Licensing Statement of Principles - Torbay Council](#)
2. Licensing Act 2003 - [Licensing Act 2003](#)
3. Revised Guidance issued under section 182 of the Licensing Act 2003 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

# Supporting Information

## 1. Introduction

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- 1.1 Torbay Council has a statutory responsibility under Section 5 of the Licensing Act 2003 (the Act) to review, consult and to re-publish its Licensing Statement of Policy (Licensing Policy). The Licensing Policy establishes the licensing controls placed on the sale of alcohol, provision of entertainment and the operation of premises for late night refreshment.
- 1.2 Alcohol is an important component of Torbay's economy, particularly within the evening and night-time economy (ENTE). However, the use of alcohol can have a negative impact on individuals, families, local communities and Torbay as a whole and therefore needs to be carefully managed.
- 1.4 The process of review, consultation, and publication must be completed on or before 7 January 2026.
- 1.5 The Licensing Policy has been reviewed alongside the latest version of the section 182 statutory guidance.

The following minor updates have been made:

- Update or remove any out-of-date website links; updates to new legislation and responsible authority contact details.
- Clarification that the Home Office Immigration Enforcement are not a responsible authority for Club Premises Certificates (section 6.11 of the statutory guidance, Appendix 1 of the Policy).
- Reference to the SWaN Charter and Project Nighteye
- Reference to the 'Agent of change principle' whereby existing businesses and facilities should not have unreasonable restrictions place on them as a result of development permitted after they were established (Section 14.66 of the Statutory Guidance, page 41 of the Policy).
- Removal of Mandatory Conditions from the Policy as these are required by the legislation.
- Expansion on safeguarding and an additional section in Appendix 5 with information for licence holders and their employees to help them report matters of concern to the relevant authorities.
- Expansion on illegal drugs and drink and drug spiking (page 15).
- Expansion on reducing the strength conditions (page 54).
- Expansion on the section regarding occupancy of licensed premises (page 55)

- An additional Public Nuisance condition between the hours of 23:00 hours and 08:00 hours to expect total sound containment within the licensed premises to ensure a noise nuisance is not caused to local residents (page 57).
- Expansion on the section regarding online alcohol sales and delivery services. This includes amendments to reflect changes in the s.182 guidance for premises providing alcohol delivery services. Persons who run premises providing alcohol delivery services should notify the licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence which now choose to operate such a service in addition to their existing licensable activities, will need to contact the licensing authority so it can advise on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required (page 61).

More detailed sections have been provided in some parts of the Licensing Policy namely regarding:

- An additional section on 'integrating strategies' has been included in the introduction. This includes Public Health, Community Alcohol Partnership, Event Management and Safety Advisory Groups, Cumulative Impact Assessment (including updating all references to a Special Saturation Policy to CIAs) and Public Spaces Protection Orders (page 6-9).
- New applications and full variations (page 19)
- Minor Variations (page 19)
- Review of premises licence (page 20)
- Relevant, Vexatious and frivolous representations (page 21)
- Use of Petitions (page 22)
- TENs (page 22)
- Provisional Statements (page 23)
- Fire Safety (page 31)
- The Terrorism (Protection of Premises) Act 2025 (Martyn's Law) – reference to the new Terrorism (Protection of Premises) Act 2025 which aims to keep people safe by enhancing our national security and reducing the risk to the public from terrorism at public venues. It will place a requirement on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures (page 31)
- Outdoor Areas and Smoking Areas (page 34)
- Night cafes and Takeaway Premises/Restaurants with delivery services (page 36)
- Fly posting and promotional material (page 36)

## 2. Options under consideration

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- 2.1 There are no other options available, as the review of the Statement of Policy is a statutory requirement under the Licensing Act 2003.

### 3. Financial Opportunities and Implications

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- 3.1 The proposals contained in this report will not commit the Council financially in any regard, other than staff and consultations costs which will be drawn from existing budgetary resources.

### 4. Legal Implications

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- 4.1 None

### 5. Engagement and Consultation

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- 5.1 It is intended that the public consultation on the draft Licensing Policy will be open for six weeks. It is planned that the consultation process will provide all stakeholders, interested parties and the public in general the opportunity to have their say on the content of the draft. Persons to be consulted will include:

- Torbay Council's Statutory Licensing Committee
- The Chief Officer of Devon and Cornwall Police
- The Chief Officer of Devon and Somerset Fire and Rescue Service
- The Director of Public Health
- Residents and businesses of Torbay
- Bodies representing businesses
- Holders of premises licences and club premises certificates
- Bodies representing existing registered clubs
- Bodies representing holders of existing premises licences and personal licences
- Torbay and South Devon NHS Foundation Trust

as required by the Licensing Act 2003, and;

- Torbay Council: Children's Services
- Torbay Council: Planning, Environmental Health and Highways Authorities
- The Torbay Safer Communities Partnership
- The Maritime and Coastguard Agency
- Faith groups via Torbay Interfaith Forum and the Street Pastors
- Torbay Development Agency
- English Riviera BID Company
- Tor Bay Harbour Authority
- Community Alcohol Partnership
- Best Bar None Torbay

### 6. Procurement Implications

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- 6.1 This proposal does not require the purchase or hire of goods or services.

## 7. Protecting our naturally inspiring Bay and tackling Climate Change

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7.1 There is no aspect of this Statement that will impact negatively or positively on climate.

## 8. Associated Risks

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8.1 There are no risks with agreeing the consultation process which is necessary to comply with the legislative requirements.

## 9. Equality Impact Assessment

The Statement of Policy is a review of an existing policy and therefore there is no change to impact of specific groups. Where there exists any potential for impact, this would generally be through the application process where there is the safeguard that any responsible authority or 'other person' may make representation. The four licensing objectives are also designed to ensure consideration of any impacts.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Some of the proposals may impact on licensing hours, particularly those used by this age group.</p> <p>The policy is designed to minimise the negative impact of the legal operation of the licensable activities.</p> <p>A section on Safeguarding has been added and the Policy recommends businesses adopts the 'Challenge 25' scheme to ensure protection to children and young people.</p> <p>The promotion of a safe night-time offer will help to protect all users from alcohol related crime and disorder and encourage a wider age range to enjoy a night out in a safe and responsible way.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p> <p>Policy will be formally reviewed every 5 years or sooner if required.</p>

Carers	At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.	<p>There is no requirement for the applicant to pass on any details about whether they are a carer. The council hold no information of any applicants from this group. The policy will grant licences that conform to the requirements of this policy.</p> <p>Licensed premises must comply with the Equality Act 2010.</p> <p>Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the Licensing Objectives. Licensed premises should make reasonable adjustments.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Disability	In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.	<p>There is no requirement for the applicant to pass on any details of medical capacity.</p> <p>There are no equality restrictions of who can enter licensed premises. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of disability.</p> <p>Licensed premises must comply with the Equality Act 2010. Premises should seek to promote accessibility and inclusion. The prevention of crime is one of the Licensing Objectives. Licensed premises should make reasonable adjustments.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		The Licensing Policy will be published on our website and will comply with the accessibility requirements.		
Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	<p>There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group.</p> <p>The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender reassignment.</p> <p>Licensed premises must comply with the Equality Act 2010.</p> <p>The Policy seeks to broaden the appeal of the night-time economy for all and to promote a safe and welcoming offer.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There are no equality restrictions of who can apply or hold a licence. The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of marriage or civil partnership.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but	There are no equality restrictions of who can apply or hold a licence.	Routine assessment of applications and monitoring to ensure	Licensing Officers and other

	significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the Southwest (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	The council hold no information of any applicants are from this group. The policy will grant licences to any licenced operators that conform to the requirements of this policy without consideration of pregnancy and maternity.	compliance with regulations.	authorised officers.
Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the Southwest and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There are no race restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements. The council hold no information of any applicants from this group. The policy will grant a premise licence to any applicant that conforms to the requirements of this policy without consideration of race.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no requirement for the applicant to pass on any details concerning faith, religion or belief. The council hold no information of any applicants from this group. The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of faith, religion, or belief.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
Sex	51.3% of Torbay's population are female and 48.7% are male	There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.

		<p>The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.</p> <p>The Policy encourages all premises to support and participate in safety incentives such as 'Ask for Angela campaign' and <u>Project Nigtheye</u> (Targeting violence against women and girls in the night-time economy). It also encourages businesses to sign up to <u>Torbay's Safety of Women at Night Charter (SWaN)</u> to improve the experience of women in Torbay at night, in both the town centres and harbourside area.</p>		
Sexual orientation	<p>In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.</p>	<p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.</p> <p>The policy will grant a premises licence to any applicant who conforms with the requirements of the legislation and this policy without consideration of a person's sex.</p> <p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

		The policy will grant a licence to any applicant who conform with the legislation and requirements of this policy without consideration of sexual orientation.		
Veterans	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have previously serviced in the UK armed forces.	<p>There are no restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any minimum age-restricted requirements.</p> <p>The policy will grant a licence to any applicant who conforms with the legislation and requirements of this policy.</p>	Routine assessment of applications and monitoring to ensure compliance with regulations.	Licensing Officers and other authorised officers.
<b>Additional considerations</b>				
Socio-economic impacts (Including impacts on child poverty and deprivation)	<p>The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.</p> <p>Some aspects are designed to assist in the reduction of alcohol harm.</p> <p>The proposals will assist in reducing health inequalities.</p>	<p>The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities providing that they are lawful and within their licensing requirements.</p> <p>Licensed premises must also have procedures in place to protect vulnerable persons.</p> <p>There are no other equality restrictions other than to protect children and young persons from age restricted products/activities.</p>	The impact on the local area will be reviewed regularly with the Director of Public Health.	Licensing Officers and other authorised officers.

<p>Public Health impacts (Including impacts on the general health of the population of Torbay)</p>	<p>The proposals are designed to improve public safety and protect local communities from noise and anti-social behaviour.</p> <p>Some aspects are designed to assist in the reduction of alcohol harm.</p> <p>The proposals will assist in reducing health inequalities.</p>	<p>The policy seeks to allow licensed premises the legitimate opportunity to undertake licensable activities. There are no equality restrictions of who can be a premises licence holder. Local communities have an opportunity to visit these premises if they wish.</p>	<p>The impact on the local area will be reviewed regularly with the Director of Public Health.</p>	<p>Licensing Officers and other authorised officers.</p>
<p>Human Rights impacts</p>	<p>There are no human rights impact with regards to the Licensing Act. The Council ensures it complies with the legislative requirements.</p>	<p>The policy seeks to promote flexibility and fairness to all premises licence holders. The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>
<p>Child Friendly</p>	<p>Torbay Council is a Child Friendly Council, and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.</p>	<p>The policy will grant licences where the applicant complies with the legislation and conforms to the requirements of this policy.</p>	<p>Routine assessment of applications and monitoring to ensure compliance with regulations.</p>	<p>Licensing Officers and other authorised officers.</p>

## 10. Cumulative Council Impact

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## 11. Cumulative Community Impacts

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None