

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – An application for a Variation of the Premises Licence in respect of No 18/Hyde Dendy, 18 Esplanade Road, Paignton, TQ4 6BD

Wards Affected: **Roundham with Hyde**

To: **Licensing Sub Committee**

02 April 2026

Contact Officer: **Carrie Cottell**

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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 Premises Licence.
- 1.2 The matters raised relate to the Licensing Objectives, "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance".
- 1.3 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 Representation, 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.

- 1.4 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties at the determination of the matter.

2. Introduction

- 2.1 An application has been made under Section 34 of the Licensing Act 2003 (the Act) for a Variation to a Premises Licence to permit regulated activities at the premises detailed above.

Details of the application are shown in Appendix 1. Only the relevant pages of the application are shown.

A description of the proposed variation is as follows:

A change in the floor plan of the premises to divide the premises into 3 different zones. Each area has its own entrance/exit.

Zone 1 is a ground floor bar/restaurant. Zone 2 is for indoor street golf and a bar. Zone 3 is known as No 18 and is an entertainment venue with a mix of live music, dance, disco and televised sports.

For **Zones 1 and 2** - To extend the hours for the Provision of Films from 0900 hrs until 0100 hrs Monday to Sunday. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and from 0900 hrs until 0300 hrs on Friday and Saturday.

Currently the Premises Licence authorises the Provision of Films from 1000 hrs until 0100 hrs Monday to Sunday.

For **Zones 1 and 2** - To extend the hours for the Provision of Indoor Sporting Events from 0900 hrs until 0100 hrs Monday to Sunday. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and from 0900 hrs until 0300 hrs on Friday and Saturday.

Currently the Premises Licence authorises the Provision of Indoor Sporting Events from 1000 hrs until 0100 hrs Monday to Sunday.

For **Zones 1 and 2** -To extend the hours for the Provision of Live Music, indoors and outdoors from 0900 hrs until 0100 hrs Monday to Sunday. Live music outside on the terrace to cease at 2200 hrs. From the close of business on New Year's Eve to the start of business on New Year's Day. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and 0900 hrs until 0300 hrs on Friday and Saturday, and from the close of business on New Year's Eve to the start of business on New Year's Day.

Currently the Premises Licence authorises the Provision of Live Music from 1000 hrs until 0100 hrs Monday to Sunday with music on the terrace to cease at 2200 hrs.

For **Zones 1 and 2** - To extend the hours for the Provision of Recorded Music, indoors and outdoors, from 0900 hrs until 0100 hrs Monday to Sunday. From the close of business on New Year's Eve to the start of business on New Year's Day. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and 0900 hrs until 0300 hrs on Friday and Saturday and from close of business on New Year's Eve to the start of business on New Year's Day.

Currently the Premises Licence authorises the Provision of Recorded Music from 1000 hrs until 0100 hrs Monday to Sunday.

For **Zones 1 and 2** - To extend the hours for the Performance of Dance indoors, from 0900 hrs until 0100 hrs Monday to Sunday. From the close of business on New Year's Eve to the start of business on New Year's Day. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and 0900 hrs until 0300 hrs on Friday and Saturday and from the close of business on New Year's Eve to the start of business on New Year's Day.

Currently the Premises Licence authorises the Performance of Dance from 1000 hrs until 0100 hrs Monday to Sunday.

For **Zones 1 and 2** - To extend the hours for Entertainment of a Similar Description to Live Music, Recorded Music or Performances of Dance, indoors, from 0900 hrs until 0100 hrs Monday to Sunday. From the close of business on New Year's Eve from to the start of business on New Year's Day. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and 0900 hrs until 0300 hrs on Friday and Saturday, and from close of business on New Year's Eve to the start of business on New Year's Day.

Currently the Premises Licence authorises Entertainment of a Similar Description from 1000 hrs until 0100 hrs Monday to Sunday.

For **Zones 1 and 2** – No change to the current standard timings for Late Night Refreshment indoors and outdoors, of 2300hrs until 0100 hrs Monday to Sunday; the addition of the non-standard timing from the close of business on New Year's Eve to the start of business on New Year's Day. For **Zone 3** the applicant has requested 2300 hrs until 0200 hrs Sunday to Thursday and 2300 hrs until 0300 hrs on Friday and Saturday, and from close of business on New Year's Eve until start of business on New Year's Day.

Currently the Premises Licence authorises Late Night Refreshment from 2300 hrs until 0100 hrs Monday to Sunday.

For **Zones 1 and 2** - To extend the hours for the supply of alcohol on and off the premises from 0900 hrs until 0100 hrs Monday to Sunday. On New Year's Eve from the end of business to the start of business on New Year's Day. For **Zone 3** the applicant has requested 0900 hrs until 0200 hrs Sunday to Thursday and 0900 hrs until 0300 hrs on Friday and Saturday, and on New Year's Eve from the end of business to the start of business on New Year's Day.

Currently the Premises Licence authorises the supply of alcohol from 1000 until 0100 Monday to Sunday.

The Applicant has made an error with regards to the opening hours of the premises. They have applied for opening hours for Zones 1 and 2 from 0900 hrs until 0130 hrs Monday to Sunday. For Zone 3 they have applied for 0900 hrs until 0230 hrs Sunday to Thursday and 0900 hrs until 0330 hrs on Friday and Saturday. On New Year's Eve from the end of business to the start of business on New Year's Day. However, currently the Premises Licence states 0700 until 0130 Monday to Sunday and on New Year's Eve from the end of business to the start of business on New Year's Day. Albeit that the opening hours of the premises are not a licensable activity, the applicant would like to retain the same hours as the existing licence for clarity.

- 2.2 A copy of the current Premises Licence showing the licensable activities, timings, conditions and the current floor plan is shown at Appendix 2 of this report.
- 2.3 A copy of the proposed new Plan of the premises is shown at Appendix 3
- 2.4 The Council as Licensing Authority, is satisfied that the Applicant has met the

administrative requirements of Section 35(1) but is unable to issue the amended Licence as a relevant Representation has been received, either from an Interested Party or a Responsible Authority. The Authority is also satisfied that such Representation has been received within the appropriate time-scale, has not been subsequently withdrawn and is not vexatious or frivolous.

1 Representation has been received from an Interested Party in respect of the Licensing Objectives “The Prevention of Crime and Disorder” and “The Prevention of Public Nuisance”. This is shown at Appendix 4.

No Representations have been received from any Responsible Authority.

2.5 The Applicant has provided the premises Dispersal Policy, Drugs Policy and Door Supervisor Policy, which are shown at Appendix 5.

2.6 The Authority is required to conduct a hearing by the provisions of Section 35(3) unless all parties agree that this is not necessary.

2.7 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.

2.8 In making its decision, the Committee are required to have regard to:

- the Representations (including supporting information) presented by all the parties; and
- the Revised Guidance issued under section 182 of the Licensing Act 2003 (revised February 2026), with the following paragraphs relevant to this application:
 - 2.24, 2.26, 10.13, 10.14 and
- The Council’s own Licensing Policy with the following sections being relevant to this application:
 - The Prevention of Public Nuisance – Pages 56 and 57, paragraphs 6,8,9,10 and 11.

2.9 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.

2.10 If the application is granted, a Right of Appeal to the Magistrates’ Court is granted by Section 181 of the Act and, by Paragraph 4(2) 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.

2.11 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.

Rachael Hind
Regulatory Services Manager - Commercial

Appendices

Appendix 1	Relevant parts of the application form
Appendix 2	Copy of the Premises Licence and floor plan
Appendix 3	Copy of Proposed New Plan
Appendix 4	Representation from Interested Party
Appendix 5	Supporting information from Applicant - Policies

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Statement of Principles 2026 - 2031