



Public Agenda Item: **Yes**

Title: **An application for a Review of a Premises Licence for The Terrace Bar, 12/14 The Terrace, Torquay, Devon, TQ1 1BN**

Wards Affected: **Tormohun**

To: **Licensing Sub Committee** **9th August 2018**

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1. Key points and Summary

- 1.1 To consider and determine an application, in respect of the Premise detailed above, for a Review of a Premises Licence.
- 1.2 The application relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance".
- 1.4 Under Regulations to the Licensing Act 2003 (the Act) the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

2. Introduction

- 2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premise detailed above. Details of the application are shown in **Appendix 1** with supporting information at **Appendix 2**.

A brief description of the Review is as follows:

The application has been submitted by Devon and Cornwall Police and concerns matters relating to the Licensing Objectives “The Prevention of Public Nuisance” and “Prevention of Crime and Disorder”.

A copy of the current licence, including the plan of the premises is attached as **Appendix 3**.

- 2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

A Representation has been received from the Safeguarding and Reviewing Service in relation to the Licensing Objective “The Protection of Children from Harm”. This is shown as **Appendix 4**.

A Representation has been received from the Devon and Somerset Fire and Rescue Service in relation to the Licensing Objective “Public safety”. This is shown as **Appendix 5**.

A Representation has been received from the Torbay Council Public Protection Officer in relation to the Licensing Objective “the Prevention of Public Nuisance”. This is shown as **Appendix 6**.

A Representation has been received from the Torbay Council Licensing Authority in relation to the Licensing Objectives “Prevention of Crime and Disorder” and “Prevention of Public Nuisance”. This is shown as **Appendix 7**.

There have been no Representations from any other Responsible Authority or any Interested Party.

- 2.3 On 17th July 2018 a letter was received from the Devon and Cornwall Police by way of additional information in support of their Review application. This is shown as **Appendix 8**.

- 2.4 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.

2.5 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.

2.6 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have affect until the Appeal is either determined or withdrawn.

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 an order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

Appendix 1	Application for Review
Appendix 2	Information supporting Application for Review
Appendix 3	A copy of the Premise Licence
Appendix 4	Representation from the Safeguarding and Reviewing Service
Appendix 5	Representation from Devon and Somerset Fire and Rescue Service
Appendix 6	Representation from a Torbay Council Public Protection
Appendix 7	Representation from Torbay Council Licensing Authority
Appendix 8	Addition information from the Police in support of their Review Application

Documents available in members' rooms

None

Background Papers:

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

Torbay Council Licensing Policy 2016.