

TORBAY COUNCIL

Briefing Report No:

Public Agenda Item: **Yes**

Title: Licensing Act 2003 – Temporary Event Notice for Offshore,
13-14 Vaughan Parade, Torquay

Wards Affected: **Tormohun**

To: **Licensing Sub Committee**

6 February 2025

Contact Officer: **Julie Smart**

☎ Telephone: **01803 208025**

✉ Email: **licensing@torbay.gov.uk**

1. Key points and Summary

- 1.1 To consider and determine a Standard Temporary Event Notice (the Notice), in respect of an event outside the Premise detailed above.
- 1.2 The notice relates to all the Corporate Priorities within the Community Plan.
- 1.3 The matters raised relate to the Licensing Objectives the “Prevention of Public Nuisance” and “Public Safety”.
- 1.4 The matter must be considered on its merits, having received details of the issues arising either at a hearing or by written Representation. A decision must be made, having considered the Representations, either:-
 - (a) not to give the Premises User a Counter Notice
 - (b) to give the Premises User a Counter Notice
 - (c) impose one or more conditions on the standard Temporary Event Notice if—
 - (i) the authority considers it appropriate for the promotion of the Licensing Objectives to do so,
 - (ii) the conditions are also imposed on a Premises Licence or Club Premises Certificate that has effect in respect of the same premises, or any part of the same premises, as the Temporary Event Notice, and
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the Temporary Event Notice.

- 1.5 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Premises User and Relevant Persons following the determination of the matter.

3. Temporary Event Notice

- 3.1 A Notice has been served under Section 100 of the Licensing Act 2003 (the Act) to allow licensable activities to take place as detailed within. The Notice is shown in Appendix 1.

A brief description of The Notice, as follows:-

- The sale of alcohol by retail for consumption on the premises,
- The provision of regulated entertainment, and
- The provision of late night refreshment between 0900 hours and 0000 hours on Saturday 10 May 2025 and Sunday 11 May 2025

The Premises User indicates the maximum number of people to be present at any one time during the times he intends to carry on licensable activities will be 350, including staff, organisers and performers.

The Premises User has stated that they intend to use only part of the premises at this address or intend to restrict the area to which the Notice applies to "The area will be clearly marked out by our café pavement barriers".

In respect of the location of the event, the Premises User further states "Please see plan, as per previous year". The plan submitted is shown at Appendix 2.

The Premises User describes the nature of the event as:

"The event will take place as per previous years, with a small outdoor bar, BBQ and stage for live music. There will be 3 security provided by a reputable company who will patrol our boundary and make sure there is no anti social behaviour. We will be monitoring noise levels continually throughout the day. A noise plan will also be submitted to the council".

The noise plan submitted is shown at Appendix 3.

The Premises Licence in respect of Offshore is attached at Appendix 4.

- 3.2 The Council as the Licensing Authority is satisfied that the Premises User has met the administrative requirements of Section 100A of the Act but is required to hold a hearing as one relevant Objection Notice has been received within the appropriate time scale and has not been subsequently withdrawn.

The Objection received is from Environmental Health, in relation to the Licensing Objectives, the "Prevention of Public Nuisance" and "Public Safety". This is shown in Appendix 5.

The Premises User has responded to the Objection Notice. This is shown in Appendix 6.

- 3.3 The Authority is required to conduct a hearing under the provisions of Section 105(2) unless all parties agree that this is not necessary.
- 3.4 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Objection and the procedure to be followed at the hearing.
- 3.5 Rights of Appeal to the Magistrates' Court are granted by Section 181 of the Act and, by Paragraph 16(1) of Schedule 5 as follows:
- (a) Where the relevant Licensing Authority gives a Counter Notice under Section 105(3), the Premises user may appeal against that decision.
 - (b) Where that Authority decides not to give such a Counter Notice, the Relevant Person may appeal against that decision.

Rachael Hind
Regulatory Services Manager

Appendices

- Appendix 1 The Notice
- Appendix 2 The Plan submitted to support the Notice
- Appendix 3 The Noise Management Plan
- Appendix 4 The Premises Licence
- Appendix 5 Objection from Environmental Health
- Appendix 6 Response from Premises User

Documents available in Members' rooms

None

Background Papers:

None