

Cheltenham Borough Council

Full Licensing Committee

Meeting date: 3 September 2025

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Dr David Willingham, Councillor Angie Boyes (Vice-Chair), Councillor Dilys Barrell, Councillor Steve Harvey, Councillor Tabi Joy, Councillor Dr Helen Pemberton, Councillor Julie Sankey, Councillor Dr Steve Steinhardt, Councillor Simon Wheeler (Chair) and Councillor Barbara Clark

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Agenda

1 Apologies

2 Declarations of interest

3 Public questions

These must be received no later than 12 noon on the fifth working day before the date of the meeting

4 Minutes of the previous meeting (Pages 5 - 14)

To approve the minutes of the last meeting held on 5th March 2025.

5 Minutes of sub-committee meetings (Pages 15 - 54)

To approve the minutes of the Licensing Sub Committee Miscellaneous meetings held on 24th April 2025, 7th May 2025, 2nd July 2025 and 6th August 2025.

To approve the minutes of the Licensing Sub Committee Alcohol and Gambling meetings held on 25th March 2025, 27th March 2025, 27th May 2025 and 4th June 2025.

6 Statement of Licensing Policy (Pages 55 - 120)

Report by the Head of Public Protection.

7 Street Scenes Activities Policy (Pages 121 - 174)

Report of the Head of Public Protection.

8 Briefing note (Pages 175 - 178)

Briefing note by the Head of Public Protection.

9 Any other items the Chairman determines urgent and requires a decision

10 Date of next meeting

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Cheltenham Borough Council

Full Licensing Committee

Minutes

Meeting date: 5 March 2025

Meeting time: 6.00 pm - 8.06 pm

In attendance:

Councillors:

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Dilys Barrell, Councillor Steve Harvey, Councillor Tabi Joy, Councillor Dr Helen Pemberton, Councillor Richard Pineger, Councillor Julie Sankey, Councillor Dr Steve Steinhardt and Councillor Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer, One Legal) and Michelle Bignell (Licensing and Public Protection Manager) and Jake Johnstone (Senior Licensing Officer)

1 Apologies

There were none.

2 Declarations of interest

Councillors Harvey, Steinhardt and Willingham declared that they had visited Cambray Place prior to the review of item 11.

3 Public questions

There were none.

4 Minutes of the previous meeting

RESOLVED that the minutes of the meeting held on 4 December 2024 were approved and signed as a correct record.

5 Minutes of sub-committee meetings

The minutes of the following sub-committee meetings were approved and signed as a correct record:

8 January 2025 (Licensing Miscellaneous)

5 February 2025 (Licensing Miscellaneous)

6 Deviation from hackney carriage vehicle policy

The Licensing and Public Protection Manager introduced the report as published.

In response to Members' questions, officers confirmed that:

- Currently there is no upper age limit for a Euro 6 vehicle and wheelchair accessible vehicles (WAVs) can operate up to 14 years of age. At first licensing there is a 5-year age limit for saloon vehicles and 8-year upper age limit for WAVs.
- The policy has been varied for other drivers in the past determined on the cases individual merits, either through the medical exemption process or through individual reports being brought before the committee. Only a handful of exemptions have been brought before the committee.
- The draft policy consultation held in 2024 had proposed that anyone who had complied with the 2021 policy to have a WAV could license a saloon vehicle as long as the WAV remained on the fleet. However, this led to a potential issue with WAV licences expiring if not renewed. The policy consultation currently being carried out has removed this reference to the 2021 licence holders and the report brought to this meeting aims to resolve the issue as soon as possible.
- Replacement vehicles would be like-for-like in terms of body but have no requirements regarding emissions. However, the new policy proposes a cut-off date of 2030 for carbon neutral vehicles, so drivers would need to be mindful of this date if purchasing a Euro 6 vehicle.
- WAVs can remain on the fleet either through sale to another driver or through a driver licensing a second vehicle. However, as plates are only issued for 12 months these can then expire.

The Chair explained that criticism from the hackney carriage trade to the changed policy requirements in 2021 had led the council to revert to the previous requirements. This had negatively impacted drivers who had abided with the new requirements before they were withdrawn. The report offered an opportunity to rectify what had happened.

Ten drivers attended the meeting and were given the opportunity to voice their experience and concerns to the committee. They raised the following points:

- Some are interested in investing in electric saloon vehicles as replacements for their WAV.
- Some have found WAVs difficult to drive and uncomfortable, with one driver reporting he was experiencing back problems.

- Where medical exemptions exist drivers are not required to take wheelchair users despite running WAVs. It would make more sense for a driver who can offer services to wheelchair users to have this WAV.
- One would like to maintain his WAV alongside an additional vehicle to enable him to provide wider services, such as airport runs.
- It was a very difficult time during the pandemic and they were forced into buying a WAV with very short notice at a time when the market cost for WAVs was very high, as otherwise they would have lost their licence.
- Complying with the policy has left them in difficulties especially as maintenance costs are very high for WAVs. One driver had spent over £6k on maintenance costs in the last year.
- Due to the height of the WAVs it has proved difficult for the elderly to use the vehicles.
- Prior to purchasing the WAV a driver had a lot of 6-seater business which he has since not been able to take as the vehicle can only carry 4 people. Airport work has also been largely lost and regular customers have changed drivers as they don't like the vehicle. The impacted drivers have been left at a disadvantage compared to drivers who did not comply with the policy.
- There has been very little wheelchair work to replace this lost trade, with one driver having only 4 requests from wheelchair users since 2021. A driver suggested that wheelchair users may primarily be using private hire vehicles instead.
- Replacing working vehicles to comply with the policy meant significant and unnecessary financial loss which was worsened through the loss of work, which they feel the council should compensate.
- Drivers raised concerns with the council that this policy was unfair before it was originally implemented.
- They believe they should be able to sell the WAV outside of the fleet to enable them to use the WAV as a deposit. One driver did have another party interested in purchasing their WAV but another had been advertising on the taxi-forum for some time with no interest shown, so even though permission had been previously granted to revert he has been unable to purchase a saloon vehicle.

In response to the drivers' questions, officers confirmed that:

- For carbon neutral vehicles there is no upper age limit for registration as long as requirements such as MOTs are complied with.
- If approved the report will allow drivers to revert to saloon vehicles and will permit drivers to sell WAVs over 5 years of age, as long as they are under 14 years of age.
- Saloon vehicles will need to be under 5 years of age to secure a licence.

Members made the following comments:

- Difficulties previously brought to the committee by a driver about the mile-range of his electric vehicle should no longer be a concern as the range has extended and prices have come down significantly. Gloucestershire County Council and Cheltenham Borough Council are both working on increasing access to electric vehicle charging points. There will also be financial benefits to drivers as electric vehicles accrue less maintenance costs.

- Members recognised that the disadvantages the drivers have experienced were an injustice, which is being compounded by the need to keep WAVs within the fleet. They asked for consideration to be given to removing this requirement during the current policy consultation.
- They thanked drivers for the support they have provided to disabled residents and confirmed that it was proposed that 30% of the fleet would continue to be WAVs. They also noted that a survey conducted on the behalf of the Cabinet Member Economic Development, Wellbeing & Culture had shown that not all customers with disabilities want a WAV. In line with the council's Public Sector Equality Duty a mixed fleet will be offered with any new drivers being required to have a WAV.
- No more drivers should need to come before the committee on this matter.
- Due to the number of policies and consultations that have been taking place the committee have shown leniency to drivers in the past due to the ambiguity of the situation. It would be the right thing to show the same leniency to the drivers who have been trapped in this situation.
- It was an error to have introduced the policy with a forced cut-off date for the disposal of perfectly good vehicles, the council must ensure in the future that vehicles continue to be licensed until their natural end of life.
- The way this policy was introduced has damaged the relationship between the council and the hackney carriage trade in Cheltenham and it is important that the council do what they can to rebuild trust and confidence.
- The committee do not have the power to compensate the drivers but their statements will have been heard by those who are able to consider this decision.

The matter then went to the vote to:

a) Permit the hackney carriage vehicle licences to be transferred to a saloon type vehicle in line with policy requirements for replacement saloon vehicles; and

b) If the hackney carriage vehicle licence holder chooses to, to permit the WAV to remain on the fleet if it exceeds age requirements for new hackney carriage vehicles in line with upper age restriction policy requirements.

For – 9

Abstain – 1

Permitted.

The Chair apologised to the drivers for the inconvenience and difficulty this situation has caused them. He thanked them for taking the time to come to speak to the committee and confirmed that officers would be in touch to confirm the next steps.

7 Review of Hackney Carriage Byelaws

The Licensing and Public Protection Manager introduced the report as published.

In response to Members' questions, officers confirmed that:

- Hackney carriage driver licences are not able to attach conditions by law, drivers are required to comply with the conditions set within the model byelaws. In addition the licensing policy, guidance and conditions outlines application requirements for vehicles and drivers, including DBS checks and safeguarding training, and any other requirements that drivers need to comply with.
- The byelaws are not provided in other languages, but translation services are available if drivers have issues with the technical legislative language. All drivers pass an English language test as part of their licence requirements.

The matter then went to the vote and the committee RESOLVED unanimously that the attached model byelaws be approved for the purpose of consultation.

8 Review of Licensing policy, guidance and conditions for private hire and taxis

The Licensing and Public Protection Manager introduced the report as published. She confirmed that a 6-week consultation began on the 3 March 2025.

In response to Members' questions, officers confirmed that:

- Given the declaration of a climate crisis a carbon neutral fleet date of 2030 has been recommended. Any vehicle licences issued by 1 November 2029 will be allowed to continue until the 31 October 2030, but then will need to be carbon neutral on their renewal date. The committee noted that it was an important environmental consideration that cars are not scrapped unnecessarily before the end of their natural life. All licensing authorities within Gloucestershire have declared a carbon emergency, officers have reached out to these authorities on how they will be managing this situation but due to the local government reorganisation they are currently not reviewing their policies in relation to carbon neutral delivery.
- The language used in relation to English qualifications is generic wording as part of the Gloucestershire Common Standards shared with the other 5 local authorities. This would need to be reviewed with the Gloucestershire County Group. The qualifications listed are only examples of qualifications that are accepted. The team test the basic level of English understanding required to have a conversation within a licensed vehicle, for example, to understand road signs or spot safeguarding concerns. If a person does not have these qualifications they have the opportunity within Gloucestershire to undertake a language proficiency test with an officer. If this is failed they will be referred to an officer for a conversation assessment, and if concerns remain they are referred to the committee.
- Consultation has been carried out with the air quality team and environmental health team regarding carbon neutral vehicle requirements.
- The fare card sets the price structure for charging and is determined by a Cabinet Member decision following a legislative process unique to CBC, which includes consultation with the trade about what they would like to see, consideration of the rate of inflation and a 28-day public consultation.

- It will be a requirement that drivers notify passengers that they have CCTV in their vehicle to comply with the Information Commissioner's Office and they will be required to notify the local authority of its presence, but they will not be mandated to have CCTV. This is being looked at but will require a significant amount of work.
- The proposed change of operator returns from quarterly to monthly are to provide the council with more up-to-date information of where vehicles and drivers are working.

The committee confirmed that the following feedback should be provided as part of the consultation:

- That the policy should ensure that vehicles are not scrapped unnecessarily before the end of their life.
- The policy should specify what is considered better than Euro 6 in relation to carbon emissions, environment and health.
- Ancillary policies, such as whistleblowing and data sharing, should be included within the body of the main policy.
- Consideration should be given to alternative acceptable qualifications that are less specific to England, for example the inclusion within the policy of the Council of Europe's Common European Regulatory Framework for language proficiency.
- It is important to ensure that the policy is written in an easily understandable format, especially as it is not within the council's power to change the language within the byelaws issued by the Secretary of State. A question could be submitted to Cheltenham's MP on ensuring the language used within the byelaws are written in plain English.
- Information should be displayed in plain English on how customers can raise both complaints and compliments.
- It should be made clear that only Visa and Mastercard will be required due to the unfairness on the trade of the high Amex fees.
- Consideration should be given to including an explanation of how fares are determined, why they are set at certain levels and what process is followed.

The committee:

- **Noted the proposed revisions to the authority's adopted licensing policy, guidance and conditions for private hire and taxis; and**
- **Provided formal recommendations and responses to the Cabinet Member of Safety & Communities in relation to the proposed revisions of the licensing policy.**

9 Review of Sexual Entertainment Licensing Policy

The Licensing and Public Protection Manager introduced the report as published.

The committee provided the following feedback to the Cabinet Member of Safety & Communities on the draft policy:

- The committee thanked the Head of Public Protection and the Cabinet Member for the work carried out on a very strong policy. They also thanked

everyone who has already engaged in the original consultation and encouraged people to comment on the draft policy.

- They highlighted the importance of keeping the document relevant, robust and up-to-date to promote the highest possible standards.
- Members agreed that it remained preferable to licence and regulate sexual entertainment venues as this provided the best opportunity for safeguarding everybody involved.
- The nil limit outside the town centre provided a clear steer on where venues are likely to be tolerable.
- It was recommended that the limit of 2 venues should be removed and that the market should be left to decide how many venues can be supported, particularly given the possibility that the limit may push venues to open under the infrequent use exemption rules instead of as licensed venues. It was suggested that the Cabinet Member could consider introducing a rate of change to the policy to add a limit of 2 additional venues each year, although it was noted that this might be a challenging inclusion as it could reduce the flexibility of the committee's decision making powers.
- The proposed extension to the designated permitted area makes sense following the decision to license Under the Prom.
- The suggested wording amendments were felt to have positively improved the clarity of the conditions and reduce the likelihood of technical breaches.
- It was also highlighted that the specificity of the changes to section 25 was positive as it means protections for performers have been enshrined within the policy and reflects feedback received in the original consultation. It will reduce some of the negative working conditions that the committee have seen in the past.
- Need to list what policies are included in terms of discretionary grounds.
- The work carried out on the Public Sector Equality Duty and Equality Assessments is really important to consider how this policy impacts people with protected characteristics. The Chair thanked Leo Charalambides, the editor of the Journal of Licensing, for the work he has carried out in this area.
- It should be considered how the pledge that the council will tackle violence against women and girls could be added to the policy within the legal framework it operates within.
- It was suggested that those people working for the applicant in the public realm should be required to carry out bystander training on a 3-year basis to ensure they are trained at a proportionate level.
- They welcome the integrated approach to safety as those working within the SEV industry experience unique vulnerabilities often alongside specific profiles, for example the LGBT+ community can be disproportionately impacted. These groups don't necessarily have a high standard of social mobility or education available to them, so this industry can be a useful source of work but it is important that the council seek to regulate this to a higher extent. It is valuable to link together the different work the council is doing to ensure it is as inclusive as possible so it was suggested the policy should be integrated further with the safeguarding and social standards.

Councillor Harvey thanked Councillor Willingham for the sensitive way he has chaired this topic during his tenure and highlighted his exemplary background knowledge. He highlighted that the committee have listened to all viewpoints with an

open mind within the primary legislation, which falls outside the control of the council. In the past this has led to Members being threatened and abused. The committee take the concerns and safety of women seriously and have written to both the Conservative and Labour government, and have tried engaging with the Local Government Association and Institute of Licensing to highlight the concerns that have been raised with them. Members confirmed the importance of polite discourse and active engagement and encouraged people to read and comment on the policy during the consultation.

The committee:

- **Noted the proposed revisions to the authority's adopted licensing policy for Sexual Entertainment licensing policy; and**
- **Provided formal recommendations and responses to the Cabinet Member of Safety & Communities in relation to the proposed revisions of the licensing policy.**

10 Review of previous decisions

The Licensing and Public Protection Manager confirmed that:

- There are currently two driver appeals. One has been withdrawn. The other has been scheduled for a hearing in July based on a revocation in December.
- The Koloshi restaurant revocation in 2023 has also been appealed and is awaiting further instructions, which may include a change in ownership. Further updates will be provided at the next meeting.

11 Any other items the Chairman determines urgent and requires a decision

The Licensing and Public Protection Manager explained that a street trading application had been received for Mr Cambray's Curiosity on Cambray Place. The consultation period had concluded the previous week and as there was not sufficient time to schedule a licensing committee to determine the application it has been agreed with the Chair that it should be reviewed as urgent business. There are three outstanding objections which have been provided to the committee. The main concerns raised relate to noise and the potential to cause distress to the clients of a nearby psychotherapy centre. The street trading consent is for 8am – 5am over the duration of the March festival with a marquee erected outside of the premises. Environmental Health have been consulted and raised no concerns. The Licensing and Public Protection Manager outlined the possible outcomes available for the committee to decide between. Another application for a marquee on Cambray Place by Taylor's Eating House received no objections and has been granted.

In response to Members' questions, officers confirmed that:

- The hours applied for are 8am until 5am, to offer hot food and drinks in the morning and tie into the temporary sexual entertainment venue licence that will be operating from 6pm to 5am. The sale of alcohol will run from 6pm to 5am.
- Smoking and vaping will be outside the marquee in line with the Public Health Act. The venue plans do show an exterior area to the rear of the premises

which may provide a smoking location, this would need to be checked with the operator. It is possible for the committee to condition consent with restrictions in relation to a smoking location and access and egress to the marquee. The Chair noted that conditions will need to be practicable given how busy race week is, for example, it may not be possible to prevent people leaving with takeaway food.

- The sexual entertainment venue (SEV) has a plan that is entirely inside the venue so should be separated from the marquee and performers should not come into the marquee.
- The licensing team will be working throughout race week and will be inspecting sexual entertainment venues to ensure they are compliant.
- The operator has confirmed that there will be door staff on the marquee and on the SEV entrance throughout the event.
- The counselling service is next door to the premises. There is a pavement licence in place for Mr Cambray's Curiosity throughout the year, so even without a marquee in operation people would still be able to sit outside and drink.

Members made the following comments:

- The lack of objections to a similar marquee on the same street suggests that the objections are due to who the applicant is rather than material grounds, which is not a licensing consideration.
- Due to the nature of race week there is likely to be activity at breakfast time and then activity again after 6pm when the SEV is in operation. Attendees returning to town may be disruptive but it will be difficult to establish which venue is responsible for their behaviour, which makes it difficult to single out an individual premises and deny their licence on that basis.
- Environmental Health have raised no objection based on noise. Refusing the application due to noise concerns could be seen as an unreasonable decision as it has not been supported by the council's own experts.
- The marquee may provide a benefit by encouraging people to stay within one environment rather than spreading further into the street.
- If taken as a Chair's decision he confirmed he would have been happy to grant permission with the conditions within the application. He felt it was important that the decision was made in as transparent a way as possible. Members agreed with this conclusion.

The matter then went to the vote and the committee RESOLVED unanimously to grant the application as applied for.

12 Date of next meeting

The next Full Licensing meeting will be on the 4 June 2025.

A meeting of the Alcohol and Gambling Sub-Committee scheduled for the 19 March 2025 is in the process of being re-scheduled and an additional meeting has been provisionally scheduled for the 25 March.

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Cheltenham Borough Council

Licensing Sub-Committee -

Miscellaneous

Minutes

Meeting date: 2 April 2025

Meeting time: 6.05 pm - 7.20 pm

In attendance:

Councillors:

Dr Helen Pemberton, Simon Wheeler and Dr David Willingham (Chair)

Also in attendance:

Michelle Bignell (Licensing and Public Protection Manager), Vikki Fennell (Senior Lawyer, One Legal) and Jacob Doleman (Licensing Officer)

1 Apologies

Apologies were received from Councillors Boyes and Sankey.

2 Declarations of Interest

There were none.

3 Local Government Act 1972

The Chair read the following statement:

- That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1: Information relating to any individual

Paragraph 2: Information which is likely to reveal the identity of an individual
Members voted unanimously to enter exempt session.

4 Review of a Private Hire Driver's Licence

The Licensing Officer introduced the report.

The driver addressed the committee and responded to Members' questions.

Following debate in closed session, Members unanimously voted to revoke the driver's licence,

5 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 7 May 2025

Meeting time: 6.00 pm - 6.34 pm

In attendance:

Councillors:

Dr Helen Pemberton, Simon Wheeler, Dr David Willingham and Dilys Barrell

Also in attendance:

Vikki Fennell (Senior Lawyer, One Legal) and Jacob Doleman (Licensing Officer)

1 Apologies

Apologies were received from Councillors Boyes and Sankey. Councillor Barrell acted as a substitute.

2 Declarations of Interest

Councillor Willingham noted that he is a Councillor for Gloucestershire County Council. He explained that this declaration was not prejudicial.

3 Local Government Act 1972

The Chair read the following statement:

- That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1: Information relating to any individual

Paragraph 2: Information which is likely to reveal the identity of an individual

Members voted unanimously to enter exempt session.

4 Review of a Private Hire Driver's Licence

The Senior Licensing Officer introduced the report.

The driver did not attend the meeting but submitted a written statement.

Officers responded to Members' questions.

Following debate in closed session, Members voted to revoke the driver's licence:

For – 3

Against - 1

5 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

The Chair raised concern over the failure of the police to inform the council that a licenced taxi driver had been arrested, and over the lack of co-operation from the police and Gloucestershire County Council's Local Authority Designated Officer (LADO) to requests for information from licensing officers. Members shared his concern about the lack of understanding of the importance of multi-agency safeguarding in relation to licenced drivers. The Chair highlighted that these concerns had previously been raised following another incident in 2021.

It was agreed that the Chair should write to the Director for Children's Services and would request a meeting with the Chief Constable. The Senior Licensing Officer would also contact other local authorities to confirm whether they had experienced similar issues.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 2 July 2025

Meeting time: 18:00– 19:20

In attendance:

Councillors:

Julie Sankey, Dilys Barrell and Simon Wheeler (Chair)

Also in attendance:

Jacob Doleman (Licensing Officer), Michelle Bignell (Licensing and Public Protection Manager) and Vikki Fennell (Senior Lawyer, One Legal)

1 Apologies

Apologies were received from Cllrs Boyes, Pemberton and Willingham.

2 Declarations of Interest

There were none.

3 Deviation from policy request - Street Trading Consent fees

The Licensing Officer introduced the report as published.

The responses to Members questions were as follows:

- The street trading consent fees are published as a requirement on the website, there is also a list of the fees that are applicable on the street trading part of the website.
- A Member commented that it seemed generous that the trader had not had to pay consent fees for the first year that they were in operation due to an

administrative error. The licensing officer confirmed that this is the case when an administrative error occurs.

The street traders representative was given the opportunity to ask the licensing officer questions. The response to her question was as follows:

- There was confirmation from the licensing officer that there had been administrative errors previously on street trading consents and they were also not charged for the consent for the year that the error occurred in.

The street traders representative was then asked to address the committee and made the following points:

- The business is a small independent coffee box outside the church.
- More than 300 people have signed the petition and many have sent letters in support of the appeal.
- Parts of these letters were read to the committee, stating that the business is a part of the community and has brought people together, it is a great place to visit as a cancer patient at the hospital as it provides a safe place for people to socialise in the fresh air, a lady with a daughter with special needs stated that the business was a welcoming place and her daughter was made to feel comfortable there, it is a meeting place for people who can't walk far. The Church Parish Council also submitted a letter in support which was in the published evidence.
- Small and micro businesses are the beating heart of Cheltenham.
- This business is not just a coffee shop it is built for connection and has had 1500 customers over the last year.
- The street trading consent fee is more than 20% of her profit which is a crippling amount to any small business.
- The report stated that all street traders pay the fees required, she believed that this was not the case and felt compelled to raise concerns regarding this.
- The costs were never clearly communicated and the day by day system is not transparent.
- She stated that they had not been told about the consent fee on renewals and only learnt about the hearing 10 weeks ago.
- The advice that they have been given from the licensing team has not been consistent as she had been told 2 different fees.
- The licence costs more than the fee for a sexual entertainment venue and for a late night refreshment licence and she perceived that these venues need more enforcement.
- The licensing department state that there are only 4 other traders and they know that there are twice that amount in the borough.
- She stated that Cheltenham charges 5 times the amount of other councils in the district – she fears that this will affect the future of other similar businesses.
- In the last two weeks 3 independent businesses have closed down in Regent Street.

- The business reflects the values that the Council supports in the social value policy especially with regards to mental health. Asking for payment undermines this policy.
- They are asking for fair treatment, to reduce the fees to something in line with the businesses values.
- She concluded that the business may be small but its impact is big.

Before the matter went to Member questions the Chair stated that they had read all the letters of support and the committee was not there to criticise the business.

The licensing officer clarified that the first consent fee that was quoted was based purely on a drinks only unit and it was then noted that the business sold baked goods which meant a change in fees. In relation to the point made by the traders representative in regard to the fees paid by alcohol, regulated entertainment, and late night refreshment licence holders it was clarified that these fees are set by the government.

The matter then went to Member questions to the traders representative. The responses were as follows:

- St Lukes Church is not open as often as other churches in Cheltenham, it is only open for services on Wednesday and Sundays, the business is a community focal point and was invited by the Reverend to bring people together, there are lots of elderly residents in the area and this is a facility that they use.
- The business is not formally affiliated with the church.
- They are a year into the business and hadn't realised that they would have had such a stronghold in the community.
- It was stated that the business owner was thinking of taking mental health first aid courses so that she can support those in the community that needed it. There would be no cost to customers if they did this.
- Street traders add to the richness of the town, there was acknowledgement that other businesses have to pay business rates.
- This business is the traders only form of income, as much as they would like to put profit back into the community this is not possible.
- The representative explained that they were not being selfish, but wanted to support more practical action for local independent businesses.
- People use coffee shop chains, they do not take the time to understand what is going on with someone or what their challenges are.
- This business offers practical help in supporting her customers, as a small business she has that time.

The Chair commented that businesses like this one do add a lot to the community and chain coffee shops are not the same but they do pay business rates.

The applicants representative was given the final right to reply and stated that there are similar services offered at the springbank centre but thought that they would get grant and government funding.

The Members then adjourned to make their decision.

The decision was as follows:

The sub-committee resolved that the published street trading consent fee applies
The reasons being:-

The Sub Committee thinks the business is a wonderful addition to the St Lukes Community and does a great job as do other businesses but that does not give rise to an exemption – there is no evidence before the committee and following questions asked of the applicant this evening that any exemption should be given. The business is a for profit business, it is like any other business in the town and therefore there was no basis for the sub-committee to deviate from the council's position

The consent fees still have to be paid and there is no reason to deviate from the consent fees set by the council which are set on a cost recovery basis including the duration, location and articles being sold.

The Sub Committee are not responsible for setting the fees, that rests with Cabinet
Street trading consent fees are payable by all applicable traders in the borough,
It is advertised as a requirement on the council's website prior to an application made

There was an error and as a result the consent fees were waived for the first year but they now fall due

4 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.

The date of the next meeting is 6th August 2025.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 6 August 2025

Meeting time: 6.00 pm - 7.10 pm

In attendance:

Councillors:

Angie Boyes, Dr Helen Pemberton, Julie Sankey, Simon Wheeler and Dr David Willingham

Also in attendance:

Michelle Bignell (Licensing and Public Protection Manager) and Vikki Fennell (Senior Lawyer, One Legal)

1 Apologies

There were none.

2 Declarations of Interest

Councillor Willingham declared that he had made an independent site visit to the premises.

3 Business and Planning Act 2020: Determination of a Review of a Pavement Licence

The Licensing and Public Protection Manager introduced the report as published.

The responses to Member questions were as follows:

- The licence for Japes started in 2023, Bella Italia had a licence prior to that. The farmers market has been licensed since 2005 (with the current operator holding a licence since 2020), the Christmas market since 2007, the arts and

crafts market since 2006, the antiques market since 2021, the continental market since 2008 and the vegan market since 2023.

- It was confirmed that Bella Italia had a licence issued in 2003. There were conditions added to their licence in line with the street scene policy and could be varied at any time.

The applicant then addressed the committee and made the following points:

- The licence was issued on the 11th March 2025 with 64 covers within the area of the licence.
- He received a letter from Licensing stating that the antiques market should take precedence.
- He spoke to the person who runs the antiques market who worked with him to accommodate the tables and chairs.
- The Christmas and Cotswold markets have both agreed to work around the layout. They are not intending to use the outside area to its fullest at Christmas so that does not pose a problem to either party.
- Earlier in the year the market was set up early and encroached on their space, when he contacted licensing to ask for clarification he was informed that the tables and chairs would need to be moved to make way for the markets.
- There needs to be a way that the businesses and the markets work together.
- There has been an increase in reservations of 35% since the weather has turned nicer.
- There are huge pressures on the restaurant industry at the moment and the committee is in a position to assist with this.
- He concluded by asking Members to support a local business as there are already solutions in place.

Members thanked the applicant for addressing the committee, the responses to Member questions to the applicant were as follows:

- There was previously conflict between some of the markets and himself, however this has now been resolved and he has had discussions with Cotswold Markets and the antiques market operator. The other markets are now leaving gaps to accommodate the restaurants tables and chairs.
- The licence is for 64 covers, when the weather is very hot they have 40-44 under the tree area.

There was a final question to the Licensing and Public Protection Manager and the response was that when the markets apply there is a site layout plan, it has encroached on the area of Japes.

The applicant had nothing further to add. The Members then adjourned for debate and to make a decision.

The decision was as follows:

The Council is the arbitrator of the highway space and can only allocate that space to one licensee at anyone time. To that end all relevant licences will need to be varied.

The applicant has been given a hearing tonight and it is unreasonable to remove space from any of the markets without giving them the opportunity to have a similar hearing.

The Committee, therefore, proposes to adjourn this matter in order for the Licensing Department to convene a meeting with all parties to try and secure an agreement on what each licence needs to be varied to include.

If this can be agreed at the meeting then the Committee delegates to the Chair of the Committee to sign the agreements. If this is not possible then the matter will be reverted back to the Committee so that all parties have the option to attend and make representations for the Committee to make a decision.

The Committee would like all parties to be given the opportunity to put forward their representations. Failure to attend or submit a response/representation will lead to a decision being made in their absence.

The Committee suggests that the agreement the applicant currently has with the various markets is honoured pending a decision.

The Committee propose a return date of the 1st October 2025 to the Committee if no agreement reached by the parties by the middle of September 2025

Irrespective of the above the applicant's licence is to have a condition imposed on it that the Christmas market takes precedence over anything else. The reason for that is that the land can only be allocated once and it needs to be unambiguous who needs to use it when.

The applicant was content with the decision of the Committee.

4 BRIEFING NOTES

There were none.

5 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.

The next meeting of the Miscellaneous committee will be 1st October

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Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 25 March 2025

Meeting time: 5.30 pm - 8.40 pm

In attendance:

Councillors:

Julie Sankey, Simon Wheeler and Dr David Willingham

Also in attendance:

Michelle Bignell (Licensing and Public Protection Manager), Vikki Fennell (Senior Lawyer, One Legal) and Jacob Doleman (Licensing Officer)

1 Election of Chair

Councillor Willingham was elected to chair the meeting. Before the meeting got underway, he put on record his thanks to members of the licensing, enforcement and public protection teams for their hard work during race week – it was much appreciated.

2 Apologies

There were none.

3 Declarations of interest

Councillor Willingham said he will be attending two music festivals later in the year in Germany, but these have no connection with Wychwood.

Councillors Willingham and Wheeler visited the site today.

Councillor Sankey attended Wychwood festival on the Sunday last year.

4 Determination of Application for Review of a Premises Licence - Wychwood Festival

Introduction

The Chair explained how the meeting would proceed, and the Licensing and Public Protection Manager introduced her report, setting out the main issues and options available to Members. She reminded Members that the festival has been at the racecourse for 20 years, with the main stage relocated in 2023. Live music ends at 11.00pm, and there have been no reported breaches of conditions or enforcement action taken against the premises licence holder.

In response to a Member's questions, she said the council has received no previous complaints in relation to the licensing objectives, other than noise, which will be covered in the environmental health officer's presentation.

There were no questions from the review applicant or premises licence holder.

Review applicant's case

The review applicant thanked the licensing team for accepting the review, and environmental health officer Amy McArthur for her assistance. He said his application arose from having the ability to interpret the data and know it is evidential, and the severe effect the noise from the festival has on his seriously ill partner, as well as other residents. He made the following points:

- local residents don't want the licence to be revoked, but it is clear from the comments how loud and disruptive the music is, particularly the low frequency noise, which last year could be felt as well as heard inside houses in Park Lane over the entire weekend. With the festival growing each year, the hearing is an opportunity to future-proof the licence, and the easiest way to compromise audience enjoyment and public nuisance is a condition around where the stages are set, moving them to the other end of the helifield, further away from houses and facing away from residential areas;
- all comments show that the current licence is unclear and at the very least needs to be changed so that it is obvious whether or not a breach has taken place - important for the public and for the council when enforcing the conditions of the licence. To achieve this, the absolute level of 60dB should be dropped, and the licence should stipulate an absolute level of 55dB;
- it would be interesting to understand if the festival organisers, while not actually breaking the licence conditions, could be said to have bent the rules to suit themselves. The noise observation report for 2024 states that where the target level of 55dB is exceeded, suitable and appropriate action should be taken to meet that target, with the absolute noise level set at 60dB. It also states that the noise management plan will include details on the response level for any deviation from the target level, which would suggest that every time the level goes over 55dB, sound engineers should try to bring it down to 55dB, with a buffer created to stop it from going over 60dB. However, the report appendix, which details noise observation and the actions taken during the event to control and manage it, shows many examples of the levels going over 55dB and either

no action being taken to correct it or action being taken and the level still not being brought down. Technically, the festival organisers did not break the terms of the licence based on the absolute level of 60dB, but only because they could do so. The target level made no difference, and the festival is not complying with the licence – despite stating in its response that the sound level is always kept at 55dB.

Questions to review applicant

In response to a Member's question, the review applicant confirmed that his partner has lived at the current address for over 15 years, but the problem with noise from Wychwood only arose in the last year.

There were no further questions for the review applicant.

Comments from Senior Environmental Health Officer

Summarising his response to the review request, the senior environmental health officer said that:

- Wychwood Festival has been operating for a long time at this site, and is always monitored by CBC staff – though not in 2024. Based on the data provided by the on-site monitoring team, he did not consider that the licence had been breached, as it met the absolute limit of 60dB, occasionally rising above the target of 55dB but not sufficiently for formal enforcement action to be taken;
- the event has a history of being well run and monitored, and he is happy about the noise levels recorded by the council in 2023;
- the hearing can be used as an opportunity to update and modernise the conditions of the event licence, especially for low frequency noise, in view of the new ideas and guidelines for noise at outdoor music events arising from advances in technology which make it easier to measure and limit, and establish an expectation about what can be achieved;
- the summary from 2024 and data from 2023 indicate that the current absolute limit of 60dB is a suitable and workable limit for the event. Relocating the stage will make the limit more achievable, and the noise management plan allows for a degree of flexibility around weather and other factors, and scope for a more dynamic approach from Wychwood and CBC.

Questions to the Senior Environmental Health Officer

In response to questions, the Senior Environmental Health Officer confirmed that:

- there have been some complaints about the festival over the years, but until last year, there were no significant complaints about noise and not keeping to the right levels;
- CBC's environmental health team will be monitoring all three days of the festival this year;
- it is true that low-frequency noise is less harmful than higher ranges, but is also what most upsets people. It is easier to monitor now than it was 15 years ago, with three new sound level meters available specifically for low frequency noise;

- a condition around weather monitoring could be added, but the noise consultant should be able to work out the effects of weather, such as wind speed and direction, on noise transmission;
- although some consultants use fixed remote noise monitoring equipment, mobile equipment with someone to operate it is the best way to respond to noise complaints, in view of changes in wind direction etc;
- the dB rating is recorded as a 15-minute average, which allows for some parts of a performance to be louder than others;
- as the permitted values ending in 0 or 5dB are taken from national guidance, there is nothing to be gained from small adjustments – 1 or 2dB – to the targets or more specific trigger levels; these would be undetectable to the human ear, and the sound engineer monitoring levels off site should react quickly when levels start to go over 55dB;
- with reference to the possible condition set out on Page 115 of the report, a time measurement, typically 15 minutes, should be attached to the 70dB limit, but that condition is lifted from guidance which is about to become obsolete – there are newer ways of assessing low frequency noise, which the licence holders will suggest;
- most equipment will measure peak noise, but this measurement is not commonly used for music noise – a sound engineer will keep a check on it, but doesn't generally look at anything as small as peak noises from drums, which is covered by the long-term average;
- the further away the stage is from houses, the easier it is to reduce the noise impact, though this gets complicated with orientation and spread patterns;
- the licence states that when the noise level rises above 55dB, action must be taken, but not having been present at the 2024 festival, he cannot say what was done. Some limited notes were provided but it is true to say that the point comes where despite the best efforts of the noise consultant, the levels will stay the same;
- CBC EH officers will be present on all three days of the festival this year, monitoring the levels at different points around the site. Tewkesbury Borough Council colleagues will also be invited to monitor their side of the border and take action if the noise levels are causing a statutory nuisance;
- regarding the possibility of setting up fixed monitoring points to get an independent record of noise levels – EH officers and noise consultants are professionals, they do the job properly and get it right. There is no need for a third party, and fixed monitoring in one place or another would be waste of effort and resource;
- if noise is recorded anywhere between 55 and 60dB, the licence requires the licence holder to take action. A level of 60.1dB is technically a breach of the licence, but officers have to decide how seriously to view that, how long it went on, whether corrective action was taken – noise is more complex than a number on a scale. If a breach lasts for five minutes, the council would expect the event organiser to take action to avoid it happening again, but it would be excessive to consider prosecution for that kind of offence.

Public comments

One parish councillor, one ward councillor, and one resident spoke in support of the review applicant, making the following points:

- the change of stage location in the last two years has resulted in significantly more concerns about the noise levels from Southam residents. There is no specific monitoring in the Southam Lane area, with feedback provided from personal representations rather than measurements. Most residents very much enjoy the festival, but request that consideration be given to relocating the stage to the west end of the helifield, away from the houses;
- Wychwood is a great event, providing much joy and supporting the local economy – no-one wants to see it go elsewhere – but last year's festival was too loud for comfort: while a lot of festival goers resorted to protecting their hearing, residents over a mile away were driven indoors by the noise, and those living closer reported ornaments vibrating on shelves. The conditions of the licence may not have been breached, but this is not the point: if regulations state the sound can be no higher than XdB, that doesn't mean the noise has to be set there, and it is wrong for any event organiser to hide behind a regulatory limit when it causes such distress to local people who have no choice but to be there. The EH officer has said that a condition to monitor low frequency noise will go some way to address these concerns but if the event organisers are happy to put the necessary measures in place, they should also be prepared to add a condition which reduces the target level;
- low frequency noise carries better over flat ground, is more intrusive and has a more pronounced effect on human physiology, and with the code of practice on environmental noise control at concerts now 30 years out of date, it may be necessary to set additional criteria in respect of low frequency noise. It was particularly intrusive at the 2024 festival, and CBC's public protection team must conduct a survey and review low frequency noise at the site to establish absolute and target levels. The conditions of the licence should also be reviewed by the council's Overview and Scrutiny Committee to determine whether the conditions are fit for purpose and noise monitoring sufficiently independent to effectively control noise on site;
- last year, the people undertaking independent noise monitoring appeared to walk between sites rather than telephoning in the measurements, which is unsatisfactory in view of the dynamic nature of sound;
- the guidelines for higher frequency noise set out in the 1995 code of practice are not suitable for every site;
- as stated in the licensing conditions, the public protection team rely on a single set of acoustic data provided by the licensee-appointed noise management, with no verification or authentication – this is a sub-optimal level of public scrutiny. With noise complaints at an all-time high, and the stage located closer to residential properties, the public protection team must engage a separate acoustic consultancy to survey the event site, to independently determine the level of noise generated, and to use that data to specify the absolute target music levels, commensurate with the stage site, topography, and prevalent environmental conditions;
- the parameters stated in the licensing conditions are too high, with the mixer position fixed in a way that readily breaches the licensed target music noise level

of 55dB, and doesn't allow sufficient attenuation of the sound front down to the target noise level before it arrives at noise-sensitive premises. This could be mitigated by a sound-deadening wall between the stage and the houses, which would deaden and attenuate the low frequency noise front before it hits the nearest premises and would reduce the number of complaints. Higher frequency noise is weaker and doesn't propagate as far as low frequency, but reducing the target noise level and mixer desk levels would all help;

- at the 2024 event, the only noise monitoring was carried out by Nash Joynes, engaged by the licensee. The control limits set at the mixer desk were a minimum of 96dB, and at that level, the licensee was unlikely to meet 55dB limit of the licence. A reduction of the control limit to a maximum of 80dB and target music level of 50dB should be instigated for 2025; acoustic data results and noise complaints can then be analysed post-event to reach a satisfactory solution for both parties;
- it is accepted that CBC EH officers are independent when in attendance; 2024 was an anomaly, but demonstrates a substandard level of scrutiny.

One member of the public was present to speak in support of the festival. She said she has been a volunteer since 2013, enjoys it very much, and considers it a great contribution to the local economy. She added that the organisers have always been considerate of the local community.

Premises Licence Holder's response

The solicitor, on behalf of the premises licence holder, began by pointing out that there were 19 representations in support of the review applicant and 13 in support of the licence holder, and rejecting any inference that festival management is sub-standard or less than trustworthy. He picked up on some of the points made so far and raised a number of issues for further deliberation:

- as confirmed by the EH officer, the level set should be akin to a refrigerator 1m away or an open plan office – Members should bear this in mind;
- it is true that more complaints have been received this year, and Wychwood recognises the need to improve, but it is not true to say there has been any breach of condition, and the previous 19 years without complaint must not be forgotten;
- the EHO's report confirms that noise in 2024 was well within the licensing conditions – the absolute level was not reached or exceeded, monitoring took place at appropriate locations and times, and action was taken to reduce noise levels proactively and reactively, and Wychwood accepted all recommendations at a mutual de-brief. Positive feedback was received from some residents in addition to the complaints, some of which were made after residents had been encouraged to complain as a result of a flier through their door;
- the pop code, referred to in the Wychwood licence, is old and redundant, but says the absolute level should be 65dB – 5dB higher than the festival's absolute level and 10dB higher than its target level. This has been the national government recommendation for the last 30 years;
- the EHO report significantly challenges assertions made this evening about what is fair, proportionate and reasonable. There is inevitably some impact on neighbours, but organisers do their best to manage and minimise this. All large-

scale licensing is about achieving a balance for attendees, neighbours and the town;

- the wording of the proposed condition proposes to take account of modern rather than historic guidance. Festival organisers are entirely open to discussion about where monitoring should take place, and a combination of static and mobile monitoring is generally considered the best option, with a permanent mobile monitor in immediate proximity to the residential area proposed for 2025;
- it is important to remember that the committee is only being asked to consider the noise of the festival, although all policies, protocols and procedures have been provided to demonstrate that this is a well-run event. No responsible authorities other than CBC's EH team have sought to engage with the review application. Tewkesbury Borough Council has reported a small number of complaints but taken no further action.

He reiterated that the festival has been well run at this site for 20 years, is always reliable and well trusted, and welcomed by the community, delivering to the highest standard and always doing the right thing. That said, there is clearly room for improvements, as set out in the submissions document, specifically:

- recognition that the stage position needs to be further away from residents, though not as far as requested. EH officers hold a neutral view in conditioning this, as the licence absolute and target levels remain the same, although this isn't to suggest that the stage position is of no consequence;
- the angle of the stage in 2024 merits improvements, having been overcorrected after the 2023 angle created audience pinch points, sending noise directly towards residents. This will be amended;
- for complete transparency, programming of the three stages will be adjusted to minimise the amount of time when two main stages are operating at the same time, from about seven hours last year to 90 minutes this year;
- a third mobile monitor will focus on the residential community in the immediate vicinity, and delay speakers – smaller speakers on stage plus additional speakers further back in the field – will delay and thus reduce sound transmission;
- dialogue is already underway to ensure sound produced from the PA is more easily managed and controlled.

He said another factor to take into consideration is that music generally stops at 10.30 or very soon after – Wychwood is a family event, and the organisers are respectful of people's need to sleep.

He continued:

- organisers clearly didn't get it as right in 2024 as previous years; the reference to a tripling of noise is demonstrably wrong, but a number of people were aggravated and for that the organisers are sorry. They strive to do things properly and in line with conditions, doing everything they can to keep everyone happy. Documents provided, including the 2024 noise management plan, noise consultant's response to the application document, and proposed 2025 noise management plan draft are all testament to this. They are not complacent about noise management, and if EH officers tell us that a refrigerator one metre away

registers at 50dB, it is hard to understand how this can be regarded as a public nuisance. It is true to say that more can be done, but to reduce sound levels below the national criteria for England and Wales is not appropriate, proportionate or necessary;

- in addition, being told where the stage should be situated is not for the applicant or the committee – it is for the festival organisers, with 20 years' experience, to decide how best to do this to manage the noise;
- it should be noted that the EH officer's response to a momentary breach of the condition would be to take no action; although it is technically a criminal offence, as is driving at 71mph on a motorway, the conditions were set when the licence was first granted, when it was determined that noise delivered to the set levels would not constitute a public nuisance, rather than to ensure that no complaints would ever be received.

In conclusion, he suggested that one of two things was appropriate: either that no further action was required or that issues of low frequency bass noise can be specifically addressed. Joynes Nash, the noise management consultants, have taken the view that a new condition for a redundant code from 1995 is not the best way forward and have proposed the condition set out in their report, with appropriate monitoring locations at sensitive receptor locations incorporated in the noise management plan and approved by the EH team. Members and the public can have complete confidence that the festival will deliver as it always has done to those levels – ideally 55dB, never over 60dB. This is the only required action, a fair and proportionate way to modernise and improve the licence based on the experience of 2024. The organisers are committed to delivering an event which does not cause any public nuisance, but it would be unrealistic to promise that no-one will ever be aggravated by the noise.

Questions to the licence holders

In response to Members' questions, the licence holder's solicitor confirmed that:

- moving the stage to the far northwest of the site is not an option – following the variation to the licence in 2022, it was moved to the helifield in 2023 and caused no problems. To allow for safe movement of people, it has to remain at the bottom end of the field, facing upwards, and will be moved back towards its 2023 position going forward;
- it is acknowledged that low frequency noise is the biggest issue, and delay speakers will limit the amount of sound that needs to be generated from the stage speakers, including the bass and A-weighted upper levels; secondary speakers will be further up the field, with the sound coming from them further away from residents;
- it is incorrect to suggest that there is any delay in reporting back noise levels from mobile locations; people responsible for monitoring communicate and engage in dialogue all the time, via mobile phone;
- low frequency noise is a common theme from objectors, and while the current conditions set the overall sound generation from the site (A-weighting), the proposed additional condition will be concerned primarily with managing the deeper sounds (C-weighting); the sound consultant explained that this is

recommended in the emerging new guidance which has been adopted post-Covid for all national events;

- regarding the properties of different types of speaker and equipment available, sound consultants have been looking at sound propagation, weather dynamics and other factors which cause concern when seeking improvements for 2025, including improving the spec of cardioid sub-array speakers in addition to delay speakers and moving the stage to minimise the impact of low frequency noise.

Public questions to the licence holder

In response to questions from the review applicant and other public speakers, the licence holder's solicitor said that:

- the festival's capacity is set out in the licence, and whether there are nine or 9000 people, the sound levels will be as prescribed;
- the delay speakers will be positioned further up the field, towards the racecourse and further away from residents;
- although changing the position of the stage will reduce the music noise level 1m from the façade of noise-sensitive premises, to stipulate a lower noise level in the licence would not deliver audience satisfaction or enjoyment; it is all about balance, and up to individuals whether or not they choose to wear ear defenders on site;
- the organisers do not accept that they do not follow protocol or make every effort to manage the sound according to the licence, although it may occasionally reach 60dB for short periods due to weather conditions or some other reason;
- regarding the noise management plan for 2025 - specifically the indicative noise response chart, the lack of clarity around the specific dB noise levels that will be worked to and the options available to sound engineers if there is a breach – this is not a matter for review by the applicant. It is currently in draft form, and awaiting approval by EH officers.

The senior environmental health officer confirmed that the proposed condition seems to be in accordance with emerging guidance, but if anything more restrictive emerges, it may require further review. The licence holder's solicitor said this may also be the case if the new national guidance is less restrictive, allowing levels to be raised.

Final comments

Before adjourning, the Chair confirmed that:

- the Human Rights Act and Public Sector Equality Duty are being taken into consideration at the hearing;
- Members are not experts and must rely on the council's EH officer's opinion as to whether the suggested condition will make a positive impact, but in the absence of up-to-date guidance about low frequency noise, it appears to be a reasonable way forward; Members must focus on the outcome, and the position of the stage is down to the licensee's management of the site, in compliance with the conditions.

Members appreciated the impact of the noise on local residents, that the festival is a popular event, and that the organisers are making every effort to reduce the disturbance.

The review applicant said he hoped any changes would make a positive difference, and welcomed the opportunity to review the licence.

The senior environmental health officer said residents' concerns had been noted, and officers would undertake a lot more monitoring this year. He said he was reassured by the licence holder's plans, and felt this would be a suitable way to control the noise problem.

The licence holder's solicitor said there will always be some impact from this event, but he hoped Members would appreciate that the organisers do their best; last year was an exception, but after taking a long, hard look at the issues, have come up with sensible proposals which they hope will deliver.

The meeting was adjourned while Members considered the case in private session.

Decision

At the hearing, the Sub-Committee heard from the applicant for the review,, Environmental health and the representative for the premises licence holder.

The review of the licence was requested by another person under the Public Nuisance licensing objective.

Save for the environmental health team, no representations were received from any of the other Responsible Authorities.

All relevant written submissions have been considered.

Legal Matters

The Sub-Committee had due regard to:-

1. The Human Rights Act
2. The public sector equality duty
3. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application.
4. The obligation to promote the four licensing objectives.
5. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act. The Sub-Committee cannot take into account representations which do not relate to one or more of those licensing objectives, and acknowledges that any representations which are received must be relevant and evidenced-based. The screenshots provided in the evidence were not from a calibrated device and therefore the sub-committee could not take these into account.

The sub-committee considered all relevant verbal and written submissions from the Applicant, Other Persons, EH and the premises licence holder before making its decision on the application. They also had due regard to the council's Statement of Licensing Policy and Statutory Guidance.

The sub-committee believes everyone has acted in good faith, the event has been running for 19 years without incident. The applicant and other residents want to be able to enjoy their homes without disturbance. The licensee did acknowledge that there was room for improvement following the event in 2024.

In deciding the application, the sub-committee noted that save for the environmental health team, no other Responsible Authorities had commented on the application. They also considered the steps put forward by the premises licence holder in relation to the new proposed condition, the moving of the stage and the inclusion of delay speakers.

The sub-committee deem that the licence conditions need to focus on the outcomes not how the licensee achieves them.

So many of the objections referred to low frequency of the bass and the premises licence holder offered a condition to deal with this and this was supported by the council's expert environmental health officer. Some weight was given to the old guidance but the committee has taken on board from the experts that it is overdue for being updated.

Therefore, the sub-committee believes that it is necessary to modify the conditions of the current licence, adding the condition proposed by the premises licence holder, and a condition that the licensee's acoustic consultants monitor noise both during sound checks as well as the event itself (as per page 113 of the bundle). The sub-committee deems it is necessary, proportionate and enforceable in order to mitigate the effects the nuisance is having on the residents.

This is a unanimous decision of the sub-committee

The sub-committee hopes that the 2025 event is a success for all parties.

Appeal

All parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

5 Any other items the Chairman determines to be urgent and which requires a decision

There was no urgent business on this occasion.

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 27 March 2025

Meeting time: 3.00 pm - 5.40 pm

In attendance:

Councillors:

Dilys Barrell, Steve Harvey and Dr David Willingham

Also in attendance:

Michelle Bignell (Licensing and Public Protection Manager) and Vikki Fennell (Senior Lawyer, One Legal)

1 Election of Chair

Councillor Willingham was elected as Chair of the committee.

2 Apologies

There were none.

3 Declarations of interest

Cllr Harvey declared that he holds a current DPS.

Cllrs Willingham and Barrell both declared that they sat on the committee last time the establishment was brought to the committee for review in September 2024.

4 Licensing Act 2003: Determination of Application for Review of a Premises Licence

The Licensing and Public Protection Manager introduced the report as published.

The Members then had the opportunity to ask questions, the responses were as follows:

- There is an official DPS in place now.
- There had not been any details of any online courses attended.
- The current DPS is not the same as when the premises last came to committee.
- There has been no further paperwork received by the licensing department.
- The day after the premises review they were found to be selling alcohol.
- It was explained that the licence holder is responsible for the activities that take place at the premises and the DPS is responsible for the sale of alcohol.

The responses to the solicitors question on behalf of the licence holder were as follows:

- It was confirmed that the licensing department had not received an email from the solicitor in February.

The review applicant was then given the opportunity to address the committee and made the following points:

- The licence holder did not take the warning made at the previous committee seriously, the police cannot be held responsible for the actions they choose to take.
- There was an argument made at the previous committee that the licence holder would be made homeless if they lost their licence, this is not a consideration for the police or the committee.
- When the premises was visited in January 2025 there was clearly alcohol on sale, an application had not been received but they had been selling alcohol since November 2024.
- The premises licence holder could not produce the relevant documents when requested. They were informed to cease alcohol sales immediately.
- The premises licence holder believed that the solicitor had dealt with everything on their behalf.
- The training that should have been completed with regard to under age sales had not been completed.
- As a recently qualified DPS they should have fresh knowledge of what is required of them.
- It remains the responsibility of the licence holder to operate within the terms of the licence.
- There was no choice but to bring the matter to the committee, the licensing authority is there to ensure that the rules are kept to.
- It was explained that they were asking for a revocation due to a blatant disregard of the rules.

The responses to Member questions were as follows:

- The review applicant confirmed that as the responsible authority they would have known if there had been documents sent.
- It was confirmed that the licence holder holds a licence at another premises.

The solicitor representing the licence holder then interjected and asked if the police had received an email that was sent to them in February – the officer confirmed that

it had not been received. After agreement from the Chair the meeting was then adjourned for the email to be circulated to the committee and the police.

The solicitor of the licence holder then addressed the committee and made the following points:

- The DPS has been trained and has the certificate, she would have not been awarded the licence in October without the training.
- The licence holder holds a personal licence and has previously had training.
- There was a company involved with assisting with the change of DPS, the company (referred to as PLC) failed to process the application and it had been forgotten about. They resumed trading on the assumption that PLC were dealing with it.
- The shop was closed as soon as they were made aware of the issue, once the application was dealt with the shop re opened.
- The solicitor confirmed that he had visited the shop on the day of the committee and saw the refusal book that they hold and the incidents that have been recorded in it. There is also a training manual in the shop.
- There was a trading standards visit to the shop on 24th November 2024 and there were no underage sales carried out.
- Training is carried out on a regular basis, underage sales are not taking place and the DPS holders husband is not allowed behind the counter.
- They were apologetic, they acknowledge that mistakes have been made. The solicitors were supposed to deal with the application and had let them down.

The matter went to Member questions and the responses were as follows:

- The Member stated that she was impressed the last time that the applicant came to the committee and was disappointed that things had not worked out. The solicitor explained that the company he works for has a department that deals with the paperwork and they failed to do that on this occasion.
- It was confirmed that once a licence application is granted it comes into immediate effect.
- There is no one selling alcohol that does not have a certificate.
- An application for a licence had not been received therefore there was not one on display in the premises.
- The PLC that has been referred to is a third-party business, the firm that the solicitor works for, that was paid to make the application.
- The solicitor apologised that there was no proof that the PLC company had not put in the application,
- The licence holder confirmed that she had sent everything to her solicitor prior to going on holiday. They could not find anyone suitable to cover for them whilst they were away so they had to close the shop.
- The applicant applied in 2021 to be a DPS and there is no evidence since then of any training. They do have a training manual but there is no evidence of having done any further training.
- The trading standards visit was for checks on sales of vapes rather than alcohol and proof of age was asked for.
-

The following points were made during the right to reply :

- When the Head of Licensing and Public Protection visited the property she did offer advice to make a representation during the consultation period but nothing was received.
- The Police stated that no-one wants a revocation but this is not the first review hearing, this is the second in 7 months. There has been a lot of passing responsibility and one late email that is questionable to an extent. The committee made a strong decision last time but there appears to have been no lessons learned even though they are represented. No evidence was supplied even after notified of hearing. Suspension has already been tried and been unsuccessful the next obvious step is for revocation.
- Had there not been a visit by an officer it is highly likely that the premises would have continued trading and would have not submitted the DPS transfer application. One was not submitted even when explained that it was needed.

The committee then retired with the legal officer to make and write their decision. It was made as follows:

At the hearing the Sub-Committee heard from the applicant for the review – Gloucestershire Constabulary and the representative for the premises licence holder,.

The review of the licence was requested by Gloucestershire Constabulary under the crime and disorder licensing objective.

All relevant written and oral submissions have been considered.

Legal Matters

The Sub-Committee had due regard to:-

1. The Human Rights Act
2. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application.
3. The obligation to promote the four licensing objectives.
4. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Licensing Sub-Committee considered that it must carry out its functions with a view to promoting the four licensing objectives, as set out in Section 4(2) of the 2003 Act.

The Sub-Committee considered all relevant verbal and written submissions from the Applicant and the premises licence holder before making its decision on the application. They also had due regard to the council's Statement of Licensing Policy and Statutory Guidance.

The Sub-Committee looked at the issues –

Human Rights Act – The PLH have been given a fair hearing, every opportunity to provide documentary evidence to the police, the licensing authority, allowed a late submission which has a limited weight. PLC made an error, there is no evidence of this, no refusal log photocopies have been provided or training certificates save for the one received today,

The police have laid out their case in detail with evidence, the PLH has had multiple opportunities to present their evidence.

No public sector equality duty issues – the PLH is represented – we have considered if there are any

Police have said that whilst the LA are not here to look at guilt, in terms of the licensing objective of preventing crime and disorder they are failing and on balance of probabilities the police have said they failed to produce the licence – there was not one in existence, on balance they were selling without licence, keeping alcohol for unauthorised sale, ignorance of the law is not a defence.

The law puts the duty on the PLH and DPS and the fact that duty can't be delegated to others is down to them.

Previous history of the matter – selling alcohol persistently to children, not confident they are promoting the licensing objectives

The request for documents was not dealt with sufficiently – the administration of it was not up to scratch – heard words but no evidence

Being made homeless is not a material consideration. LA is looking at the licensing objectives only

Police have presented very clear evidence – they have been warned by the police, they were reviewed and conditions were changed and the DPS were changed, they have not sought to engage with the police or LA.

Police have applied a progressively higher level of getting compliance and they have failed to achieve compliance.

The only other thing the committee could do is ask for production of all logs and documents every month as a condition and the question then is we don't do it for anyone else and puts a burden on the licensing team to watch one premises. That is not a rational decision to make

All other options have been exhausted, tried changing DPS, modified the conditions, suspended the licence.

Ultimately if this is a genuine error they have the opportunity to appeal to the magistrates court and can produce all documents to the court for their deliberation.

Not had any evidence in document form in compliance with the constitution, limited weight to verbal assurances – there is no paper trail

Not respected the process, they have been given every opportunity, already been subject of a review 7 months ago

The Sub-Committee have no choice but to revoke the licence and this is its decision.

Appeal

All parties are reminded that there are rights of appeal against this the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

5 Any other items the Chairman determines to be urgent and which requires a decision

There were none.

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 27 May 2025

Meeting time: 6.00 pm - 8.05 pm

In attendance:

Councillors:

Dr Helen Pemberton, Julie Sankey and Simon Wheeler

Also in attendance:

Sarah Farooqi (One Legal) Jake Johnstone (Senior Licensing Officer)

1 Election of Chair

Prior to the meeting Councillor Wheeler was elected as Chair of the sub committee.

2 Apologies

There were no apologies.

3 Declarations of interest

There were none.

4 Determination of a New Application for a Premises Licence

The Licensing Officer introduced the report as published.

The first objector addressed the committee and made the following point:

- Residents are concerned about the rise in noise and antisocial behaviour. This was a problem when TGI Fridays were in the premises and the residents are worried that this will be a worse issue with a takeaway.

The second objector addressed the committee and made the following points:

- Local residents are resigned to the fact that McDonalds will be at the premises, however the concerns are mostly with late night opening.
- The area that the restaurant is in will not attract the local demographic.
- There was concern that the diners would not read the signs asking customers to be considerate when they left the building also that the food delivery drivers would cause a lot of disruption and noise from mopeds etc.

The third objector as County Councillor for St Marks and St Peters addressed the committee and made the following points:

- Stated that had received lots of correspondence from concerned residents with regard to the application.
- The issue is not with who the applicant is, the issues are with the hours and the way the business will affect the local area.
- As the applicant is a nationwide operator it is easy to find problems that have occurred elsewhere in the country.
- The operating schedule does not use good licensing conditions. Section 182 guidance has not been taken into account. Conditions need to be precise.
- There has been no consideration for the Councils statement of licensing policy.
- The applicant states that they want to work with communities, however there has been no contact made in the seeking of mediation.
- There seems to be no interest in the applicant joining the Council's Nightsafe scheme.
- The area that the restaurant is in is an area of high deprivation and high crime.
- On balance of probability the negative articles that appear in the press with regard to McDonalds are probably true otherwise McDonalds would have sought to take action.
- The 2 companies that McDonalds are using for CCTV are not known to the objector and after some research it was discovered that 1 of the companies mentioned ceased training in 2011 and the other appears to have nothing to do with CCTV. The point was raised as to why the applicant is not using British standard CCTV.
- The point was raised that there is no condition regarding door staff.
- The applicant should have a responsibility with regard to delivery drivers (just eat etc) to ensure that they have working lights etc.
- McDonalds have not made a commitment to the "Ask Angela" scheme.
- The condition with respect to no open alcohol needs to be more prescriptive.
- Cheltenham has a problem with gulls, the bins that are provided for outside use should be gull proof.
- Signs about noise when leaving the premises are not mentioned in the application neither is restricting the times the outside seating will be available.
- The applicant must be aware of the problem of having lights outside and that lights should not be an issue for residents.
- There will be a strong smell of cooking (as there is from the premises on the Gallagher Estate) and there are no conditions on the amount of cooking in the last hour.
- With regard to protecting children from harm under 18's will not be allowed in the restaurant unless accompanied by an adult, this could mean that 16 year olds can come in with 18 year olds. McDonalds is an attractive place for children which could mean that people who are attracted to children will go

there. This is no reflection on the applicant, their staff are in the front line for protecting children and young people. Safe guarding training should be carried out by all staff.

- The committee needs to look at the section 182 guidance and the Councils policy and decide if what the applicant is offering is enough.
- The application should be section 182 compliant or the committee should refuse the application.

The legal representative for the applicant addressed the committee and made the following points:

- There seemed to be a fundamental misunderstanding of how the process works which she hoped to dispel.
- Many communities have concerns about McDonalds moving into their area and there are similar concerns with every application.
- There are 1100 plus outlets across the country and where there are some complaints they are never brought to the relevant authorities for reviews.
- McDonalds is not a new entity in Cheltenham.
- Section 182 guidance makes clear that the committee need to make a decision.
- There have been no representations from the responsible authorities.
- Some of the written objections state that McDonalds is not community minded which is unfair as the company goes to great lengths with community engagement.
- This premises will not be a franchise as many of the branches are, this will be owned and managed by McDonalds itself.
- The application for the licence comes off the back of the planning permission.
- There can be conditions put on the application if the committee wishes to, there are numerous planning conditions which takes into account light, odour and noise. The premises cannot operate until these issues have been dealt with.
- The application did not go to planning committee.
- The premises can operate from 5am-11pm as part of a normal application.
- McDonalds operate a staff safe system and have cctv that protects the employees.
- As a standard McDonalds have a litter picking scheme which is not just restricted to the restaurant but will look to clear the surrounding area if it is a problem.
- McDonalds operate to the highest of standards and hopes that the committee is reassured by this.
- Under the staff safe scheme the employees have a button that they can press and a voice can play out in the store as a warning, this system will also be a direct line to the police.
- If a delivery partner does not behave as McDonalds require then that partner will not be used. Delivery partners have the technology that will stop them waiting in residential areas. There will be a McDelivery area that will stop delivery partners from waiting in residential areas too.
- There has been no objection from the Premier Inn which shares the site.
- In the terms of the application there is a safety net in that the licence can be brought back to the committee for review at any time.
- The concerns from the objectors are unsubstantiated.

The responses to Member questions were as follows:

- The extra hour that is being requested will be used, the hour connects to order deliveries. McDonalds hold information on people's habits based on

data collected across their restaurants. The extra hour opening will be reviewed after 6 months.

- There will be notices to inform people to have respect for the surrounding area, and the staff safe scheme will be used to assist with any disruptive behaviour.
- Any bad behaviour will be dealt with and if delivery drivers aren't respectful they will be banned.
- McDonalds and Premier Inn have a good relationship, this is not the first time that they have shared the same site.
- Litter picking will not be done after dark or before sunrise due to staff safety and insurance.
- As this is a drive to restaurant not a drive thru there should be a limited amount of litter.
- Litter will be picked up from the surrounding area if it can be attributed to McDonalds.
- The litter bins will be in a corralled area.
- There is no difference between a franchised business and a non-franchised business they are both run to the same high standard.

The objectors were then given the final right of reply and made the following points:

- There are 2 other McDonalds restaurants in the vicinity that are in non-residential areas, it would be better for residents if they were used for deliveries from 11- midnight. The only deliveries that took place from this premises were for the hotel.
- A weekly litter pick in the local parks would make the residents happy.
- When the planning decision was made it was under a delegated decision and the application was not put in under the name McDonalds, this seems dishonest.
- The applicant had ample time to meet with the County Councillor and discuss some of the issues before the application came to committee. There had been no attempt at dialogue.
- The committee did not question the CCTV issue, the suggestion was that British standard be used.
- A condition for 3 litter picks a day was suggested.

The applicant was then given the final right of reply and made the following points:

- There is not a fight, licensing works within legal parameters and the decision that the committee makes should follow those parameters.
- When the application for planning permission was made the statutory consultees knew who the applicant was, the identity of the applicant did not slip under the radar.
- The conditions of the planning permission have dealt with a lot of the issues that had been raised.
- Licence can be reviewed at any time and review can be brought to the Councils attention not just by the statutory consultees but also by residents.
- What the committee decides to do can only affect the one hour between 11 and midnight.
- These hours are consistent across all branches of McDonalds with no issues.

The committee then retired to make their decision.

Their decision was as follows:

At the hearing, the Sub-Committee heard from the licensing officer, objectors and representative for the applicant and the applicant.

In coming to its decision, the Sub-Committee had due regard to all relevant legislative provisions including:-

- Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application
- The obligation to promote the four licensing objectives
- The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Licensing Sub-Committee noted it must carry out its functions with a view to promoting the four licensing objectives, set out in the 2003 Act.

The Sub-Committee was aware it cannot take into account representations which do not relate to one or more of those licensing objectives and acknowledges representations which are taken into account must be relevant and evidenced-based.

The Sub-Committee considered all relevant verbal and written submissions from the Applicant and their representative, objectors and licensing officer before making its decision on the application.

The Sub-Committee considered steps set out in the applicant's operating schedule. In deciding the application, the Sub-Committee noted no Responsible Authorities had commented on the application.

The Sub Committee sympathised with the concerns that have been raised by the local residents and by Councillor Dr. Willingham.

But the Sub-Committee was mindful of the limitations that arise from the application being for only late refreshment between 11.00p.m and midnight.

The Sub Committee therefore by a majority decision decided to grant the application as requested.

The Sub Committee recorded that at the hearing the applicant made a number of statements about the measures it will put in place. The Sub-Committee expect the applicant will adhere to good working practices and would anticipate if there are problems an application for a review could be lodged and more stringent conditions applied.

All parties are reminded there is a right of appeal against the Licensing Authority's decision pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. An appeal must be made to the Magistrates' Court and commenced within 21 days of notification of the Authority's decision.

5 BRIEFING NOTES

There were none.

6 Any other items the Chairman determines to be urgent and which requires a decision

There were none.

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 4 June 2025

Meeting time: 1.30 pm – 14:50

In attendance:

Councillors:

Dr Steve Steinhardt, Simon Wheeler and Dr David Willingham

Also in attendance:

Jacob Doleman (Licensing Officer) Vikki Fennel (Senior Lawyer – One Legal)

1 Election of Chair

Councillor Wheeler was elected as the Chair prior to the meeting.

2 Apologies

There were none.

3 Declarations of interest

All Members present had attended a site visit to the premises.

4 Determination of a New Application for a Premises Licence

The Licensing Officer introduced the report as published.

The responses to Member questions were as follows:

- 10 am will be the start of the hours that the applicant can sell alcohol.
- The premises is classed as being located in the town centre area.

- The applicant queried the times listed for the sale of alcohol in the report with the Licensing Officer, as these were not the times detailed in the application. The Licensing Officer confirmed the sale of alcohol would be permitted from 09.00-23.30 Monday – Thursday, if the application was granted.

There were no questions from the applicant or the objectors in relation to the report.

The objectors then addressed the committee and made the following points:

- The main concern was that the premises will create a noise problem for the residential properties.
- The requested hours seem too long, they were hoping that there would be a better balance between the premises and the residential properties.
- There were concerns that if outdoor seating is allowed at the premises this would have an effect on the residential properties in the area.

The Licensing Officer explained to the objector that if the premises did want tables and chairs there would have to be a separate application and that would be looked at as a separate issue. Any conditions imposed on the premises regarding the external areas, however, would take effect regardless.

The responses to the Members questions to the objectors were as follows:

- There were complaints made to environmental health in relation to the previous tenants. There were also complaints with regard to the noise level from the outside seating.
- The conditions suggested by environmental health were not as concrete as the objectors would have liked. There remains to be concerns about the amount of noise that will be created by customers leaving the premises.
- The objectors were advised to contact the licensing department or environmental health with any complaints about noise should the application be granted.

The applicant then stated that there would be a decibel meter installed at the property. He also clarified that they may look at an outdoor seating area. They want to have a good relationship with the residents and the businesses in the area. The restaurant will be on the first floor.

The applicant then addressed the committee and made the following points:

- The premises will be a small tapas restaurant. The music will be background ambient music, the imagined scenario is this will be a venue where people can still talk across the table at a normal level.
- Whilst at the Q&A with residents they have offered the mobile number of the DPS to enable them to have immediate contact with someone if there is a problem with noise at the premises.
- They want the restaurant to add value to the community, Montpellier is a really nice area and they support keeping it that way.
- The last place that operated from the premises was not good for the community and they want to be the opposite.

- The applicant really believes in dealing with situations head on which is why they held the Q & A session, this session seemed to quell some of the residents fears.

The responses to Member questions were as follows:

- With regard to the Q & A session this was held at All Bar One at midday the previous week. It was advertised in the windows of the premises and there was a leaflet drop to nearby residential premises. The issues of noise and rubbish were both addressed. There was the understanding that the premises will be a restaurant and not a bar. The session seemed to quell the concerns of the objectors.
- The sound of the music will be set at 50 decibels which will be adequate for the purposes that they want. There will be decibel meters installed.
- They will put in all the mechanisms that are required with regard to sound.
- Sound from customers leaving the premises will be monitored, also the noise level from smokers standing outside.

The responses to the objectors questions were as follows:

- The sale of alcohol will cease prior to closing and then there will be a 30 minute drinking up period.
- The business is a different type of business to the other types businesses in the area, they are aware that there have been complaints about noise in respect of the other properties in the area and they do not want this.
- The 1am closing time is based on travel through Europe and the closing time is based on how successful these types of restaurants are there. The Applicant stated that he is hoping to bring city living to Cheltenham.
- The premises will be a late night bar where customers can have wine and tapas. It will be a premises where you can be sociable with friends rather than a bar to get drunk in.
- When the business opens hopefully the residents will see that there will be no issues.

The applicant was given the right to reply, they had nothing else to add.

The Members and Senior Lawyer retired to make the decision notice as follows:

Having considered the application; the evidence provided; the representations made by all parties, including those made at the hearing and the written representations of the Other Persons received who were not present at the hearing; the provisions of the Licensing Act 2003, the obligation to promote the four licencing objectives; the relevant sections of the Council's Statement of Licensing Policy and the Statutory Guidance it was resolved that the premises licence be GRANTED in accordance with the application set out, subject to additional conditions agreed with Gloucestershire Constabulary and the Environmental Health Authority being added to the licence.

The reasons behind this decision were as follows: -

- The opening hours mirror other establishments in the area

- The Applicant has been willing to engage with local community and has already done so
- The Applicant has agreed conditions in advance of the committee with the two responsible authorities
- The Committee considered the PSED as disability had been raised in one of the objections. The objector had not attended and if the committee deemed that if they were to be in the premises opposite this establishment is not a nightclub, the objector has chosen to live a town centre location, there will be no low frequency vibration going through the walls and the noise level was likely not to be an issue
- The premises is in the designated town centre area so it would not be reasonable to refuse on that ground
- The Applicant had taken less hours than entitled to and there was nothing to say they need to use those hours all the time
- The Applicant has moved position to try and respond to those that have engaged with them
- Some of the objectors seem to have misunderstood the aim of this being a food linked business, it is town centre and the business can only be responsible for those on their premises not those passing by on the street
- The Applicant has been responsible applicants from what the committee have seen
- Environmental Health can monitor if there were to be issues and it is open to review if there are issues
- The Applicant is actively looking to monitor it themselves which suggests they are a responsible licensee
- The Applicant has held a consultation which is a very positive action by the Applicant – they have tried to have community engagement with the residents to dispel any misunderstandings, it seems that the Applicant has been tarnished with the brush of previous licensee who had different business model.

5 BRIEFING NOTES

There were none.

6 Any other items the Chairman determines to be urgent and which requires a decision

There were none.

Licensing Committee – 6 September 2025

Consultation on Revised Licensing Act 2003 Statement of Licensing Policy

Report of the Head of Public Protection

1. Introduction

- 1.1 Section 5 of the Licensing Act 2003 requires the authority to review, determine and publish its Licensing Act 2003 Policy Statement every five years.
- 1.2 The current policy statement was adopted by Council in December 2020. A review of the current policy statement has been undertaken as outlined in this report.
- 1.3 A statutory consultation has now commenced, and this report provides the Committee an opportunity to consider the proposed policy amendments and to provide formal feedback to the Cabinet Member of Safety & Communities.

Recommendations:

- 1.4 The Licensing Committee is recommended to:
 - 1.4.1 Note the proposed changes to the revised Statement of Licensing Policy (paragraph 4); and
 - 1.4.2 In it's capacity as lead consultee to the Cabinet Member of Safety & Communities, provide any feedback it may wish to submit as part of the policy consultation.

Implications

Legal	<p>Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.</p> <p>One Legal E-mail: legalservices@onelegal.org.uk</p>
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2. The Licensing Act 2003

- 2.1 The 2003 Act is the primary legislation that deals with the licensing requirements relating to:
 - a) the sale by retail of alcohol,
 - b) the supply of alcohol by or on behalf of a club to, or to the order of a member of the club,
 - c) the provision of regulated entertainment, and
 - d) the provision of late night refreshment.
- 2.2 The licensable activities listed above are authorised through the issue of:
 - a) a premises licence; or

Consultation on Revised Licensing Act 2003 Statement of Licensing Policy		
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b) a club premises certificate; or

c) a temporary event notice.

2.3 The council is obligated to promote the four licensing objectives when discharging its functions under the 2003 Act including setting policy. The licensing objectives are:

a) the prevention of crime and disorder;

b) public safety;

c) the prevention of public nuisance; and

d) the protection of children from harm.

3. The Policy Statement

3.1 The draft revised policy statement is attached at **Appendix 1** of this report including tracked changes to assist the committee with its response.

3.2 The policy statement sets out the principles the council will apply when determining applications under the 2003 Act for up to the next five years. It also provides guidance to licence holders and applicants on how to make an application and advises them how the council will determine applications.

3.3 The draft amended policy reflects any changes in primary legislation, case law and national guidance as outlined in section 4 of this report. Changes to the policy also draw from the council's experience since the 2003 Act came into force.

3.4 This policy statement is a key document for the council in terms of how it seeks to address the challenges brought by the licensable activities whilst at the same time promoting the town as a safe place to visit and invest in.

3.5 This policy statement also forms part of a wider night-time economy strategy to promote a greater diversity in the night time economy that is less focused on alcohol, supporting better management of licensed premises and public spaces, working to reduce alcohol related health harms by preventing vulnerability, promoting safe drinking limits and reducing pre-loading and working to promote a clean environment.

3.6 Taking into account all of the measures above, the policy statement sets a proactive approach to the regulation of the licensable activities whereby the council is more proactive and prescriptive in shaping the licensing landscape in the town.

4. Consultation

4.1 The 6-week consultation can be found on the authority's website and closes on 7 September 2025.

4.2 Cabinet will initially consider the policy proposals and consultation feedback in due course following the conclusion of the consultations.

Appendices**Appendix 1** – Draft Pavement Licence Policy**Appendix 2** – Draft Street Scene Policy**Report Author****Contact officer:** Michelle Bignell**E-mail:** licensing@cheltenham.gov.uk**Tel no:** 01242 264135

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Licensing Act 2003

Licensing Policy Statement



All enquiries should be directed to:

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This Policy was approved December 2025.

LA2003 Policy Index

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Policy Vision Statement

We want Cheltenham to be a safe and clean town that offers a greater diversity in the night-time economy that is less focused on alcohol and protects the quality of life for residents.

1. Introduction

- 1.1 This Licensing Policy Statement (“policy”) has been produced in accordance with the requirements of the Licensing Act 2003 (“the Act”) and is in line with guidance issued under Section 182 of the Act. Section 5 (as amended) of the Act requires Cheltenham Borough Council (“the authority”), acting in its capacity as the Licensing Authority to prepare and publish a statement of its licensing policy at least every five years.
- 1.2 This policy was last reviewed in 20~~20~~¹⁴. In determining the policy the authority has taken into consideration any comments made by consultees. The authority has also taken into consideration the statutory guidance, changes in legislation and the experience of administering and enforcing the Act since its introduction.
- 1.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the authority will determine applications for the sale/supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment and also to provide a basis for all licensing decisions taken by the authority over the next five years. It will also inform elected Members of the Licensing Committee the parameters within which licensing decisions can be made.
- 1.4 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting tourism, increasing leisure provision and encouraging the regeneration of the town centre as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.5 Other matters also taken into account in formulating this policy:
 - a) Cheltenham Borough Council’s corporate strategy and outcomes.
 - b) Local planning policy in particular the Joint Core [Strategy -and Local Plan](#) and the [Local Development Scheme Cheltenham Plan](#).
 - c) Gloucestershire’s Police and Crime Prevention Plan.
 - d) Section 182 statutory guidance.
- 1.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual licensees. There are a range of mechanisms including:
 - a) Planning controls;
 - b) Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including the provision of Closed Circuit Television (CCTV);
 - c) Police enforcement of the general law concerning disorder and anti social behaviour, including the issuing of fixed penalty notices.
 - d) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;

- e) The confiscation of alcohol from adults and children in designated areas;
 - f) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and
 - g) The power to seek a review of the licence or certificate in question.
- 1.7 It should be understood that this policy and the statutory guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or guidance may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the authority will give full reasons for departing from this policy.

Licensing Principles and Process

- 1.8 This policy sets out the process the authority will adopt in dealing with licence applications with particular regard to the various types of premises and permissions and the various conditions that can be attached to licences if relevant representations are made. It also highlights the authority's undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.
- 1.9 The authority is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and administering temporary events notices in the borough.
- 1.10 The objective of this policy is to:
- a) promote the four licensing objectives (see 1.16);
 - b) ensure that the premises are appropriate for their proposed use;
 - c) ensure the premises layout and condition is acceptable for the proposed use;
 - d) ensure that the premises are being managed responsibly; and
 - e) promote the Policy Vision Statement.
- 1.11 This policy also seeks to promote the authority's wider priorities, in particular that:
- Cheltenham has a clean and well-maintained environment;
 - Cheltenham has a strong and sustainable economy;
 - Communities feel safe and are safe;
 - People are able to lead healthy lifestyles; and
 - Our residents enjoy a strong sense of community and are involved in resolving local issues.
- 1.12 The authority's powers and duties as the licensing authority are delegated by Council to its licensing committee, sub-committees and officers. The authority approaches these delegations in accordance with the table of delegation set

out below or otherwise in accordance with the authority's adopted constitution.

1.13 The policy will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.

1.14 The policy does not:

- a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or
- b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows.

Scope

1.15 This policy relates to the licensable activities defined by section 1(1) of the Act, namely:-

- a) retail sales of alcohol;
- b) the supply of alcohol by or on behalf of a club;
- c) the provision of regulated entertainment; and
- d) the provision of late-night refreshment.

Licensing Objectives

1.16 The authority will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:

- a) The prevention of crime and disorder;
- b) Public safety;
- c) The prevention of public nuisance; and
- d) The protection of children from harm.

1.17 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.

1.18 In determining a licensing application, the overriding principle adopted by the authority will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed.

1.19 The authority will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure.

1.20 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity.

Consultation

- 1.21 In accordance with section 5 of the Act and prior to the publication of this Policy the Licensing Authority consulted with the persons and organisations stipulated in [Appendix A](#) of the policy.

Duration and Review

- 1.22 The policy takes effect ~~6 January 2026~~ and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation.

Promotion of equality

- 1.23 The policy recognises that the Equality Act 2010 places a legal obligation on this authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics through the functions outlined in this policy. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

2. The Borough of Cheltenham

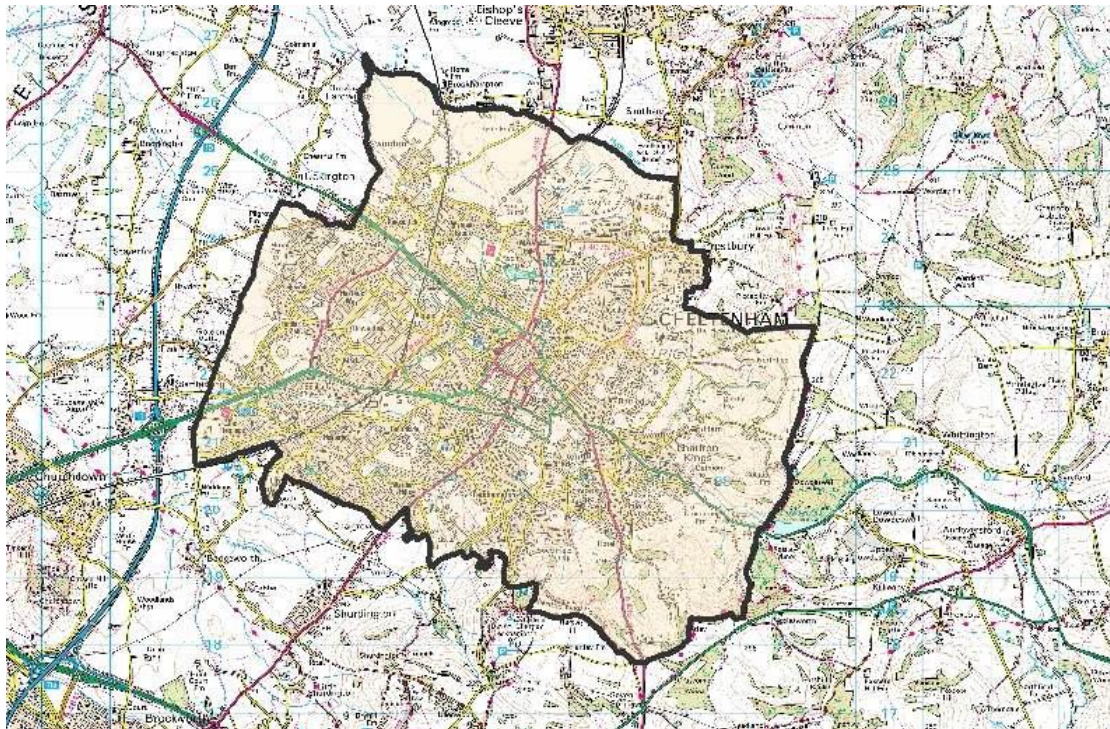
The Area

Until the late 1700s, Cheltenham was a small market town that became a fashionable resort after spa waters were discovered. Over the years it has attracted major employers and has gained a reputation for being an international festival town. This, together with its architectural heritage, educational facilities and quality environment, makes Cheltenham an attractive place to live, work and play.

The borough, which includes 5 parishes, has a population of approximately 119,400 who live in 20 wards. The borough is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares of which 17 % is designated as green belt and 22 % as an area of outstanding natural beauty.

Demography

The population is approximately 119,400, and these figures will continue to rise over the next 20 years.



3. Licensing Process - Making an Application

Premises Licences & Club Premises Certificates

- 3.1 The relevant application forms and associated documents are obtainable from the authority's website at www.cheltenham.gov.uk/licensing or from the licensing section during normal office hours.
- 3.2 The authority offers pre-application advice for certain licence application types. Review the authority's [pre-application advice](#).

The Operating Schedule

- 3.33.2 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The authority expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives.
- 3.43.3 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application.
- 3.53.4 Applicants are strongly recommended to discuss their operating schedules with the responsible authorities prior to submitting them.
- 3.63.5 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. For premises such as a public house where public entertainment is not provided, only a relatively simple document will be required. For a major public entertainment venue it will be expected that issues such as public safety and crime and disorder will be addressed in detail.
- 3.73.6 Applicants will also be expected to propose practical measures to prevent disturbance to local residents and to indicate what action will be taken to prevent or reduce noise emanating from the premises.
- 3.83.7 The operating schedule must be on the prescribed form and include a statement of the following:
- a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - b) The times during which the licensable activities will take place;
 - c) Any other times when the premises are to be open to the public;
 - d) Where the licence is only required for a limited period, that period;
 - e) Where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
 - f) Whether alcohol will be supplied for consumption on or off the premises or both; and

- g) The steps which the applicant proposes to promote the licensing objectives.

Guidance on Operating Schedule

3.93.8 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review.

a) Crime and Disorder

3.403.9 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting this objective.

3.443.10 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

Considerations

3.423.11 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These factors may include:

- a) Underage drinking;
- b) Drunkenness on premises;
- c) Public drunkenness;
- d) Drugs;
- e) Hate crime
- f) Violent or intimidating behaviour; and/or
- g) Anti-social behaviour.

3.433.12 In making their decision, regard should be given to the levels of crime and disorder in and around the venue, the level of compliance with conditions on existing licences and any available evidence on crime and disorder issues.

3.443.13 Applicants are recommended to consult the Reducing Alcohol Related Violence Codes of Practice when considering their operating schedule.

3.453.14 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of crime and disorder.

b) Public Safety

3.463.15 The authority in its role as licensing authority must try to ensure the safety of people visiting and working in licensed premises. The authority will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities and adequate means of escape are put in place and maintained, if not adequately provided for by other regulatory regimes.

3.473.16 Consideration should be given to whether:

- a) appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the authority, that demonstrate that the public will be safe within and in the vicinity of the premises;
- b) the premises already has a licence or a fire certificate that specifies the maximum number of people that can attend it or be present and, if not, whether a risk assessment has been undertaken to assess the maximum number of people in terms of capacity in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency;
- c) there are procedures proposed to record and limit the number of people on the premises with opportunities for going outside and readmission;
- d) patrons can arrive at and depart from the premises safely;
- e) music, dance and performance venues will use equipment or special effects that may affect public safety (i.e. moving equipment, pyrotechnics, strobe lights, smoke machines);
- f) there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services; and/or
- g) the levels of compliance with conditions on existing licences relating to public safety.

3.483.17 The authority seeks to encourage the use of toughened glassware and polycarbonate where appropriate in licensed premises. Where a relevant representation is received the authority will consider imposing a condition prohibiting the sale of alcohol in annealed glass containers and require the use of polycarbonate or other safer alternatives in order to promote public safety in licensed venues.

3.493.18 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for public safety.

c) Public Nuisance

Measures to limit nuisance

3.203.19 The authority will expect applicants to set out in their operating schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises.

3.213.20 Applicants should identify and describe through a risk assessment how these risks will be managed. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.

3.223.21 Applicants will be expected to have included measures in their operating schedules that make adequate provision to:

- a) restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site;
- b) limit the escape of noise from the premises or open air site;
- c) restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping;
- d) minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it;
- e) minimise and control noise from staff, contractors and suppliers and their activities;
- f) minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers;
- g) determine whether people standing or sitting outside premises are likely to cause obstruction or other nuisance;
- h) whether the premises are under or near to residential accommodation;
- i) the hours of the sale of alcohol in open containers or food for consumption outside the premises;
- j) measures to make sure that customers move away from outside premises when such sales cease;
- k) measures to collect drinking vessels and crockery, cutlery and litter;
- l) the extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink and for smoking;

- m) whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not).
- n) adequate measures to prevent the following arising from the proposed licensable activity that may cause disturbance to people in the vicinity:
 - a. litter, smells, fumes, dust, smoke, or other emissions;
 - b. street fouling;
 - c. light pollution.

3.233.22 The role of the authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the town including businesses, workers, shoppers and visitors.

3.243.23 Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.

3.253.24 Where relevant representations are received, the authority may attach appropriate conditions to licences, necessary to support the prevention of undue noise disturbance from licensed premises. Where premises remain open after 23:00, the licence holder will be expected to provide facilities which are relevant to controlling noise and the patrons of those premises late at night. The authority also expects that premises which produce noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance.

3.263.25 The provision of tables and chairs outside the premises, either on the highway or on private land, and the provision of beer gardens, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture and family friendly venues. However, late at night, tables and chairs and beer gardens can cause significant public nuisance to residents whose homes overlook these areas.

3.273.26 The 'smoke free public places' legislation in July 2007 has led to an increase in the number of people outside licensed venues. Where outside facilities are provided the authority expects applicants to provide details in their application of:

- a) the location of open air areas; and
- b) how the outside areas will be managed to prevent noise, smell, or obstruction and nuisance to neighbours and the public.

3.283.27 Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising including a suitable litter and waste

management program to ensure that the area outside the premises is kept free of litter at all times.

3.293.28 Where the authority receives relevant representations, or where a responsible authority or an interested party seeks a review, the authority may consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

3.303.29 Conditions may include maximum noise levels over particular time periods, the installation of acoustic lobbies, provision of signs, publicity and dispersal policies.

3.343.30 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the prevention of public nuisance.

d) Protection of Children from Harm

3.323.31 The authority needs to satisfy itself that there are appropriate measures in place to protect children from harm.

3.333.32 To this extent it will expect applicants, where necessary, to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises.

3.343.33 These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licences involving:

- a) the sale of alcohol;
- b) children's performances; and
- c) attractions or performances likely to attract children.

3.353.34 It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Act are that unaccompanied children under 16 should not be on "premises being used exclusively or primarily for the supply of alcohol" (eg "alcohol led" premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.

3.363.35 Issues for consideration include:

- a) installing effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises;
- b) exclusive or primary purpose of the services provided at the premises;

- c) accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance;
- d) the hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises;
- e) due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;
- f) are there adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;
- g) the likelihood of children being attracted to the premises by the nature of activities or facilities provided whether or not these are licensed;
- h) is there evidence of heavy, binge or underage drinking on the premises;
- i) if the premises commonly provides entertainment or services of an adult or sexual nature;
- j) is there a strong element of gambling on the premises;
- k) age restricted films are to be shown classified in accordance with the recommendations of the British Board of Film Classification;
- l) the number of adults required for the supervision of children and the suitability and vetting of those adults to ensure they pose no risk to children.

3.373.36 A pool of model conditions has been prepared and individuals preparing operating schedules are at liberty to use these conditions or volunteer any other measures(s) to promote the licensing objectives. Please see Appendix C for the pool of model conditions for the protection of children of harm.

Plans

3.383.37 A plan must also be attached to an application for a premises licence or a club premises certificate. The plan should be at a scale of 1:100. The plans do not have to be professionally drawn, however, they must be to scale and contain the relevant information as required under regulation. The authority will accept plans of a scale other than 1:100, however this must be approved prior to submitting the application.

4. Determination of Applications

Decision Making Process

- 4.1 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation below:

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to		If a police objection	All other cases

include alternative licence condition			
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

Unopposed Applications

- 4.2 If no relevant representations are received the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.

Opposed Applications

- 4.3 Where relevant representations are made, and not withdrawn, the authority must hold a hearing before a licensing sub-committee who will take such of the following steps as it considers necessary for the promotion of the licensing objectives.
- 4.4 The steps are:
- to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - to refuse to specify a person in the licence as the premises supervisor;
 - to reject the application.

Representations

- 4.5 The authority has discretion on whether to grant applications for licences and to impose conditions on granting and reviewing licences, only when relevant representations are made.
- 4.6 In brief "relevant representations" is the expression used in the Act for comments including objections on applications.
- 4.7 For a representation to be relevant it must:

- a) relate to the effect of the grant of the licence on the promotion of the licensing objectives;
- b) be made by a responsible authority or other persons;
- c) not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by other persons; or
- d) if it concerns the designated premises supervisor be made by a chief officer of police and include a statement explaining the reasons for the objection.

4.8 Representations can also be made in support of an application.

Appeals

- 4.9 Anyone aggrieved by a decision of the authority has a right of appeal. This is set out in schedule 5 of the Act.
- 4.10 The authority will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing sub-committee.
- 4.11 Aggrieved parties should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision.

5. Temporary Event Notices (TENs)

- ~~5.1 The Act enables certain organised events for less than 500 people to take place following notification to the authority, the police and environmental health.~~
- ~~5.2 The limit on the number of TENs which may be given by any applicant is 5 within the same year, unless the applicant holds a personal licence, in which case the limit will be 50 within the same year.~~
- ~~5.3 A number of limitations are imposed on the use of TENs by the Act. The limitations apply to:~~
- ~~• the number of times a premises user may give a TEN is 50 times in a calendar year~~
 - ~~• for a personal licence holder and five times in a calendar year for other people;~~
 - ~~• the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.~~
 - ~~• the number of times a TEN may be given for any particular premises is 15 times in a calendar year;~~
 - ~~• the maximum duration of an event authorised by a TEN is 168 hours (seven days);~~
 - ~~• the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;~~
 - ~~• the maximum number of people attending at any one time is 499; and~~
 - ~~• the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours~~
- ~~5.4 Although the statutory legal minimum time required for the notification of a TEN to the authority, police and environmental health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the authority to publicise its preferred timescale for notification.~~
- ~~5.5 Where an existing premises licence is in operation the authority would encourage a TEN to be submitted at least 4 weeks but not more than 12 weeks before an event. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.~~

- ~~5.6 The authority will encourage bona fide community events. A TEN for existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation.~~
- ~~5.7 Notice givers are encouraged to consult responsible authorities prior to formal notices being submitted.~~
- ~~5.8 The authority expects those who have given notice of a temporary event to have identified the particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies. The contains guidance on promoting the licensing objectives including potential risks and possible solutions for the different types of licensable activities.~~
- ~~5.9 The processing of TENs by the authority is controlled by a strict statutory timetable, therefore, the authority will not accept a notice unless it is complete in all respects at the time of submission.~~

5.1 A Temporary Event Notice (TEN) must be submitted to the Licensing Authority when a person wishes to provide licensable activities at an event and;

- the premises does not have the benefit of a Premises Licence or Club Premises Certificate, or
- the premises does not have an appropriate Premises Licence or Club Premises Certificate for the event, or
- they do not wish to use any existing Premises Licence or Club Premises Certificate for the event

There are two types of TEN applications.

A 'standard' Temporary Event Notice which must be submitted at least 10 clear working days before the event. The 10 working days does not include the day the Licensing Authority receive the Notice or the first day of the event.

A 'late' Temporary Event Notice which must be submitted 5 clear working days before the event, but no earlier than nine working days before the event and again this does not include the day the Licensing Authority receive the Notice or the first day of the event.

There are certain restrictions relating to a TEN which are set out in the Licensing Act 2003 as follows:

- You must be at least 18 years old to give notice for a TEN.
- You can only give notice for a TEN if you are an individual and not a business or other organisation.
- If you hold a personal licence you may give notice for up to 50 TENs per year, 10 of which may be late TENs.
- If you do not hold a personal licence you may give notice for up to 5 TENs per year, 2 of which may be late TENs.

- The number of times a TEN may be used for any particular premises is 15 times in a calendar year.
- The length of time a single event may last is 168 hours (7 consecutive days in total). If an event spans midnight, this will count as 2 days.
- The aggregated number of days covered by a TEN at any individual premises may not exceed 21 days.
- There must be at least 24 hours between a TEN at the same premises.
- The scale of the event in terms of the maximum number of people attending at any one time must not exceed 499 including staff and performers.

A calendar year for the purpose of the Temporary Event Notice restrictions and limits runs from 1st January until 31st December.

Where an event falls outside the limits as set out above, the premises user must apply for a premises licence.

Where a TEN has not been made electronically, the premises user must provide the TEN to the Licensing Authority, Environmental Health Team and the Police within the prescribed time limits. If the TEN has been submitted electronically, the Licensing Authority will provide a copy to the relevant Environmental Health Officer and the Police.

The Licensing Act 2003 uses the term 'given' but does not define 'given'. We consider the term to mean the date on which we as the Licensing Authority receive the TEN and not the date on which it was sent. If the premises user gives the TEN electronically, the date it is given is the next working day after the TEN is submitted electronically. We advise premises users to hand deliver notices if time is short, as we will not accept TENs received outside of the 5 working day restriction.

5.2 The Police and/or Environmental Health Team may object to a TEN if they believe that the event will undermine the four licensing objectives.

The Police or Environmental Health can agree with the premises users, to modify a standard TEN to enable the licensable activities to go ahead. This will only be permissible were all parties agree to the modifications.

Where the premises user has given a standard TEN and the parties cannot reach an agreement to modify the TEN, the Licensing Committee will determine as follows:

- Allow the event to proceed as stated within the notice
- Impose conditions that already apply to an existing premises licence at the premises
- Issue a counter notice to prevent the event going ahead.

5.3 If an objection has been received in regards to a late TEN (given less than five days before the event) this will be void and will not be able to be used. A Counter Notice will be issued by the Licensing Authority to cancel the TEN.

Where organisers are planning larger events, the expectation is that a premises licence will be applied for. However, there are occasions where

organisers seek to divide an area of land (the premises) to create separate artificial premises for the purpose of licensing.

Where a premises user proposes to give more than one TEN for the same event, we will assess each TEN on its merits to determine whether using the TEN will undermine any of the licensing objectives. However, we will have regard to the fact that more than one TEN will be in use and we will consider the event to be a 'large event' and as such we expect the premises user to show that they have considered all elements, and additional information may be requested.

6. Personal Licences – New Applications

6.1 A personal licence is a licence issued to an individual authorising them to make or authorise the sale of alcohol in accordance with a Premises Licence. Every Premises Licence that authorises the sale of alcohol must specify an individual who acts as the Designated Premises Supervisor (DPS). The DPS must hold a Personal Licence.

6.2 Applications for Personal Licences should be made to the Licensing Authority for the area where the applicant is ordinarily resident at the time they make their application.

6.3 The Licensing Authority must reject an application if the applicant fails to meet one or more of the requirements set out in (a) to (d) below:

a. Applicants must be aged 18 or over

b. Applicants must be entitled to work in the United Kingdom

c. Applicants must possess a licensing qualification or is a person of a prescribed description

d. Applicants must not have forfeited a personal licence in the five-year period prior to their application being made

e. Applicants must not have been convicted of any relevant offence or any foreign offence or required to pay an immigration penalty

6.4 Where the applicant meets the requirements in (a) to (d) but does not meet the requirements of (e), the Licensing Authority must give the chief officer of police for its area a notice to this effect. Having received such a notice, if the chief officer of police is satisfied that the granting of the application would undermine the crime prevention objective, they must within 14 days, give the Licensing Authority a notice to that effect.

6.5 Where the applicant fails to meet the requirements of (e) as a result of a conviction for an immigration offence or because they have been required to pay an immigration penalty, the licensing authority must give a notice to the Secretary of State for the Home Department to that effect. The Home Office may object to an application on grounds that granting the personal licence would be prejudicial to the prevention of illegal working in licensed premises.

6.6 Where an objection to the grant of a personal licence is received from either the chief officer of police or the Home Office, the applicant is entitled to a hearing before the licensing authority. If no objections are received, the Licensing Authority must grant the application.

6.7 At a hearing to determine a personal licence application to which the chief officer of police or Home Office have objected, the licensing authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the crime prevention objective
- The objection notice given by the Police or Home Office
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the applicant for the relevant offence
- Any representations made by the applicant
- Any other evidence as to the previous character of the applicant.

6.8 If, having considered all of the circumstances, the Licensing Authority considers that it is appropriate for either the promotion of the crime prevention

objective or for the prevention of illegal working in licensed premises to reject the application, it must do so. In all other cases the application must be granted.

6.9 If an application is refused, the applicant will be entitled to appeal against the decision they make. Similarly, if the application is granted despite a police objection notice or an objection from the Home Office, the chief officer of police or Home Office are entitled to appeal against the licensing authority's determination. The licensing authority will therefore record in full the reasons for any decision that it makes.

7. Personal Licences – Suspension and Revocation

7.1 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued with effect from 6th April 2017.

7.2 When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Prior to 6 April 2017 only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions.

7.3 The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee.

7.4 The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.

7.5 If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

7.6 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. Before deciding whether to revoke or suspend the licence the Licensing Authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the Licensing Authority is aware, and any other information which the Licensing Authority considers relevant.

7.7 The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing Authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the Licensing Authority to come to its own decision regarding the licence.

7.8 If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the Licensing Authority.

7.9 Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.

7.10 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.

7.11 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.

7.12 In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:

- The need to assess each case on its merits
- The duty to promote the licensing objectives
- The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
- The seriousness of the relevant offence
- The sentence or penalty imposed on the licence holder for the relevant offence
- Any representations made by the Police or Home Office Immigration Enforcement
- Any representations made by the holder of the licence
- Any evidence as to the previous character of the holder of the licence.

7.13 The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

7.14 If the personal licence holder is a DPS, the Licensing Authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

7.15 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

8.6- Integrating Strategies & Specific Policies

- 8.1 The authority has established a good track record of partnership work and will continue to work in partnership with the police, local residents, businesses, licensees, communities and regulatory agencies towards safeguarding the quality of life for residents, and the creation of a safer and more pleasant environment for all.
- 8.2 In particular, Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. The town offers a rich choice of entertainment and facilities making it a destination attracting usually high numbers of visitors, some travelling considerable distances to enjoy what the late night economy has to offer.
- 8.3 Although the vast majority of people visiting the town do so safely and responsibly, an active night-time economy nonetheless demands additional resource and cost for the authority, police and other partners to deal with associated crime, disorder and other anti-social behaviour.
- 8.4 Although the challenges associated with the supply of alcohol are more prevalent during the night-time economy, there are nonetheless also challenges during other times of the days.
- 8.5 In addressing these challenges, the authority will continue to work with partners in particular the licensed trade, licensing enforcement, the police, the ~~noise pollution~~ **environmental protection** team, community safety partnerships, Gloucestershire fire service and planning enforcement.

Encouraging diversity in the night-time economy that is less focused on alcohol

- 8.6 Cheltenham has a vibrant night-time economy that far exceeds other towns of similar sizes. It is recognised that the night-time economy plays an important part in creating a vibrant and sustainable economy but this must be balanced with the ambition to expand the offer for leisure, tourism and business by providing an attractive offer for all ages and religious groups.
- 8.7 To this end, the authority will explore and support opportunities to increase events, activities and businesses which are not necessarily alcohol led which are more socially-inclusive and drive the economy.

Designated area of concern

- 8.8 There are areas of the borough where the evidence does not suggest that they should be designated as Cumulative Impact Areas but which will require regular review to establish whether the concentration of licensed premises are considered to have begun to cause cumulative impact on one or more of the licensing objectives.

- 8.9 The authority has identified the town centre (Appendix D) as being an area of concern in that it is susceptible to alcohol related crime, alcohol hospital admissions and nuisance arising from or caused by the customers of licensed premises.
- 8.10 The authority will monitor the number of licensed premises in the designated area and any risk factors that may indicate that the area is reaching a point when a cumulative impact is likely or imminent.
- 8.11 The designated area of concern will also provide the authority and its partners an opportunity to put measures in place to address the concerns highlighted.

Joint Core Strategy and other planning policies

- 8.12 There are a number of key planning policies that sets out a shared vision and proposes where future developments in the borough are located.
- 8.13 It is noted that the statutory guidance states: “The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.”

Public Spaces Protection Order (PSPO)

- 8.14 The authority has adopted a Public Spaces Protection Order to control and regulate the public consumption of alcohol in Cheltenham.
- 8.15 The PSPO creates an offence for any person to disregard the instruction of a Police Officer, Police Community Support Officer or authorised officer of the authority to stop consuming alcohol in a designated public place.
- 8.16 An offence under the adopted PSPO can be discharged through the payment of a fixed penalty notice or a prosecution.

Management of Licensed Premises

- 8.17 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management of those activities and the premises generally.
- 8.18 The authority will encourage everybody involved in providing or are involved in licensable activities, to consider what skills and competencies are appropriate in the safe delivery of regulated activities and secure these. This applies to managers, musicians, door staff, bar staff, performers and

contractors as well as everyone associated with the activities.

- 8.19 Good management also extends to the appropriate advertising of events and premises users and licensees are expected to control advertising content as part of their role.
- 8.20 The authority undertakes proactive risk based inspections of all licensed premises to ensure that they are managed properly. Premises that consistently fail inspections may be subject to a licence review or other enforcement action.

Designated Premises Supervisor (DPS)

- 8.21 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of a community premises)
- 8.22 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times. During times the DPS is not present on site, the authority recommends that written delegation of duties are drawn up to ensure staff and regulators are clear about who is authorised to sell alcohol.
- 8.23 The authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The authority expects that this will be in excess of 50% of a 7-day week.
- 8.238.24 There can only be one appointed DPS specified on the premises licence. However, there can be more than one personal licence holder within the business and this is recommended to demonstrate a good understanding of how to work within the licensed trade.
- 8.248.25 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 8.258.26 Within all licensed premises, whether or not alcohol is to be sold, the authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises' licence.

Nightsafe

~~8.268.27~~ The borough-wide Nightsafe network encourage its members to work together to promote the licensing objectives in their premises by providing a forum for sharing information, disseminating best practice and meeting with representatives of the authority, the police and other responsible authorities. The authority actively supports the scheme and is keen to support the development of more schemes where there is a demand.

~~8.28~~ The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in the town. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

~~8.278.29~~ The Nightsafe scheme in Cheltenham is delivered as part of Gloucestershire Safe scheme www.gloucestershiresafe.co.uk/

Best Bar None

~~8.288.30~~ Best Bar None (BBN) is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. It was piloted in Manchester in 2003 and found to improve standards in the night-time economy, with premises now competing to participate.

~~8.298.31~~ The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the licensed trade, police and local authorities. The authority will actively encourage licensed premises to sign up to the BBN scheme.

Reducing Alcohol Related Harm (RARV)

~~8.30~~ In 2006 when the Reducing Alcohol Related Violence project, supported by funding from Government Office South West, was launched in Cheltenham a great deal of effort has gone into reducing alcohol related harm and disorder in the town.

~~8.31~~ The Codes of Practice launched in 2007 laying down common sense principles for all sectors of the night-time economy were the first such set of codes produced in the UK and were acknowledged as best practice by the Home Office.

~~The RARV Codes of Practice was revised in 2014 and republished in 2015.~~

Woman's Safety and Wider Vulnerability

~~8.32~~ It is a fundamental right that women should live without fear. We are committed to tackling male violence, intimidation and abuse against women and girls and we strive to foster an environment amongst our Licensed Premises that ensure all women feel safe whether they are workers, local residents or visitors to the borough.

8.33 The safety of women within the evening and night-time economy is crucial, as often the nighttime can pose a risk of harassment, unwelcome situations and a feeling of vulnerability. Cheltenham's town centre pledge aims to create a safer town so that women and girls always feel welcome, confident and ultimately safe.

8.34 By signing the pledge, you are recognising women have the right to enjoy our licensed premises and that they should feel safe and respected when doing so. This shows that you, as an operator, are committed to improving women's safety across our borough.

8.35 As a licensed premises, establishing clear policies and staff training can create a more secure atmosphere and implementing simple measures such as well-lit entrances and exits and having visible security can enhance overall safety and comfort for women in social spaces.

Staff training

8.36 By providing staff training which focuses on increasing the skills, knowledge and confidence to identify vulnerability and what the appropriate interventions should be.

8.37 We encourage regular refresher training sessions to stay updated on best practices, emerging issues and campaigns relating to the promotion of women and vulnerable people's safety and wellbeing.

Women's safety policy

8.38 We advise developing a bespoke women's safety policy for your premises. This can be a useful tool to establish clear guidelines and expectations on how you and your staff will manage any situations that may occur.

8.39 It should provide a framework for reporting incidents and ensuring appropriate actions are taken. Where you have implemented a policy, all staff should be made aware and trained on the same to promote accountability.

8.40 Policies should be regularly reviewed to guarantee they remain relevant and effective. Changes should be made based on feedback, incident reports, and emerging safety trends.

Safe Space

8.41 A safe space within your premises can be used by customers if they feel uncomfortable or threatened. The area should be secure and monitored by appropriate security personnel. All staff should be aware of where these areas are located within the premises.

8.42 Safe Spaces or Safe Havens are key for where you have adopted such schemes as 'Ask for Angela' where a woman or vulnerable person can make a discreet signal by asking for Angela, to alert staff if they are in danger or need help removing themselves from a situation.

'Ask for Angela' scheme

8.43 Cheltenham Borough Council actively supports the scheme and promotes the scheme as good practice for all licensed venues.

8.44 Information and resources on the 'Ask for Angela' scheme www.askforangela.co.uk/

Drink spiking

8.45 As a licensed premises, suitable measures should be taken to prevent incidents of spiking. In November 2024 the Government announced that spiking will become a new criminal offence, and thousands of staff working in the night-time economy will also receive training on how to spot and tackle spiking.

The following are examples within the range of behaviours that would be considered spiking:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting drugs into an alcoholic or non-alcoholic drink without their knowledge or permission

Premises must ensure all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. It is helpful to the police if staff: obtain full details of the affected person reporting the incident, including a description of what they are wearing; a description of the suspected perpetrator, if known, including clothing; an approximate time of the incident and the location within the premises where they believe it occurred; can secure the drinking vessel(s) that is suspected as containing the 'spiked drink' so this can be tested at a later time; and can seize any drinking vessel that the suspect may have been using.

Ensure the health and safety of the customer, which could be by calling emergency services, ensuring they are with trusted friends who will look after them, offering assistance if needed, and providing a safe space for the customer.

Ensure appropriate training is provided to relevant members of staff.

Literature is available from Gloucestershire Police.

Review searching procedures and amend as necessary, as well as reviewing how often toilets are inspected, as victims of spiking have been found in there. Premises should also review the functionality of any CCTV and ensure it is not obscured.

Consider providing information (such as posters) regarding drink spiking in the premises.

Consider if it would be useful to provide anti-spiking bottle stoppers and protective drink covers. It may also be helpful to see if drug testing kits are available.

Where bottles of alcohol are purchased from the bar and left unsupervised at tables, suitable steps should be taken to ensure this doesn't pose an additional risk as a result of free pouring or putting alcohol into someone's drink without their knowledge or permission. This could lead to an increased vulnerability particularly to women.

Sexual Entertainment

8.328.46 The authority has adopted the amended provisions of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 ('the 2009 Act') with respect to "relevant entertainment", that is:

- a) any live performance; or
- b) any live display of nudity.

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

8.338.47 The adopted provisions came into effect on the 1st of December 2010 in Cheltenham.

8.348.48 Any premises that want to offer relevant entertainment on a regular basis, that is more frequent than 24 hours once a month on no more 11 occasions a year, can no longer offer this under the provisions of the Act as a result of the abovementioned adoption. These premises must apply for a Sexual Entertainment Venue (SEV) licence.

8.358.49 Premises that want to offer relevant entertainment on an irregular basis can still do so under the provisions of the Act. These premises must be authorised for the performance of dance and the performance of recorded music.

8.368.50 The Government has seen it fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime & disorder and an inability of regulatory bodies to respond accordingly.

8.378.51 Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an exempt sexual entertainment code of practice outlined in its adopted SEV policy. The intention of the code of practice is to promote responsible and properly managed exempt sexual entertainment. The authority expects any premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.

Core Hours for Licensable Activities

8.388.52 The authority will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and consideration of each application is on its own merit.

8.398.53 The authority believes that licensable activities carried on within the core hours set out below will generally not have a harmful impact on the licensing objectives, address the concerns raised by local residents and businesses and are less likely to attract representations.

8.408.54 Furthermore, earlier closing will result in less alcohol consumption and drunkenness and would also be consistent with the ability to get crowds dispersed from the town centre.

Table 1: Core Hours for Licensable Activities

Type of premises	Commencement hour no earlier than	Terminal hour no later than
Off licence	09:00	23:00
Restaurants	10:00	01:00
Theatres, cinemas and other performance venues	10:00	00:00

Pubs/Bars/Nightclubs	<u>Town centre</u> ¹ 10:00	03:00
	<u>Local Neighbourhood Areas</u> 10:00	00:00
Takeaways	23:00 n/a	04:00

8.418.55 Where relevant representations have been made, it will take the following matters into consideration when making a decision. These are not a definitive list and other matters may be considered:

- a) Operating schedules - demonstration of compliance with management standards to support each of the licensing objectives.
- b) Proximity to residential accommodation - the likelihood of the operation to have an adverse impact on the peace and quiet of local residents.
- c) Potential noise and nuisance from people leaving and entering the premises.
- d) Ability to demonstrate that systems are in place to ensure timely dispersal of customers away from residential areas.
- e) Use of external areas for carrying out the licensable activities and potential noise impact on local residents.
- f) Proposed hours of the licensing activities and general opening times for the public – The use of winding down periods to enable more efficient dispersal.
- g) Type of use – alcohol led premises such as pubs, bars and nightclubs, off licenses and hot food take away premises are more likely to be associated with crime and disorder and public nuisance than other premises such as seated restaurants, theatres, cinemas and other cultural activities.
- h) Availability of public transport to assist in the timely dispersal of customers from the vicinity and to ensure safe travel home.
- i) The potential for contamination of the street environment through increased litter and other pollution of the streets by customers.

8.428.56 The hours of existing licensed premises will remain unchanged unless there are good reasons, based on the licensing objectives, for restricting these hours, and then they can be changed by a licensing sub-committee following a review of the premises licence.

¹ As defined in Appendix D.

Latest admission times

8.438.57 The authority considers it undesirable that persons should seek to 'top up' their alcohol intake by seeking out those premises that are admitting customers at the latest times because persons moving between venues late at night can lead to crime, disorder and public nuisance.

8.448.58 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities which will assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

8.458.59 It is therefore this council's policy that the latest admission time, for licences premises open past midnight, to be no less than:

- a) one hour for nightclubs & late night bars; and
- b) half an hour for pubs and other licensed premises

before the terminal hour for licensable activities.

Takeaway food premises

8.468.60 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there.

8.478.61 As such the authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises.

8.488.62 Applicants for licences are recommended to have written policies for dealing with disorder and nuisance and should give consideration to the issues regarding takeaways.

8.498.63 The authority will normally require licensed premises principally used for selling hot food for consumption off the premises to have suitable CCTV installed and may impose a requirement to employ SIA doormen where such a requirement is deemed necessary.

8.508.64 Operators (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises.

8.518.65 Where the authority considers it appropriate, it may impose conditions on a premises licence to require the operators of premises serving customers

with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers.

Pavement Cafes and External Areas

8.528.66 The authority wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town.

8.538.67 Whilst the provision of tables and chairs outside a premises can enhance the attractiveness of a venue, regard should be had to the need to ensure that the use of such areas will not cause nuisance to local residents and other premises in the vicinity. To this end, the authority will normally restrict the use of external areas to 23:00.

8.548.68 Premises that make use of external areas are expected to manage those areas in such a way that its use does not impede access to the premises, obstruct the highway and does not cause disturbance.

8.69 In particular the authority will expect premises to provide ash trays or wall mounted cigarette bins for patrons, be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas.

8.558.70 Businesses are reminded that outside areas may require a Pavement Licence and these should be applied for separately. Further advice can be obtained from the website.

On and off sales

8.71 There are two different types of permissions for alcohol sales. On and off sales.

8.72 On sales describes a premises where alcohol is consumed at the point of sale, such as a pub, bar, nightclub or café.

8.73 Off sales describes a premises that is licensed to sell alcoholic beverages for consumption off the premises, as opposed to a bar or public house, which is licensed for consumption at the point of sale (on sales).

8.74 Off-licences typically are specialist shops, convenience stores, parts of supermarkets and attached to bars and pubs. Prices are usually substantially lower than in bars or pubs.

8.75 Premises can apply for both on and off sales if they wish to carry out both types of alcohol sales. This could cover, for example, a pub or a restaurant where customers can consume alcohol on the premises and also be able to purchase alcohol to take away from the premises.

Promoting safe drinking limits

Irresponsible Drinks Promotions and Drunkenness on Premises

8.568.76 Low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. Through this policy the authority would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing controls on drinks promotions to deal with localised problems.

8.578.77 However, the authority would prefer an approach whereby it, along with the licensed trade and other partners, are able to promote responsible retailing of alcohol instead of having to deal with the effects of irresponsible drinks promotions and drunkenness.

Code of Good Practice for Drinks Promotions

8.588.78 It is a known fact that the price of alcohol does have an effect on the amount people consume. It is also the case that people are more attracted to premises that offer low cost alcohol and low cost alcohol is likely to cause people to consume more alcohol than they would normally have done. Both of these situations can lead to crime, disorder and public nuisance issues.

8.598.79 The authority does not wish to unnecessarily impose operational restrictions and freedoms on licensed premises. It would therefore like to encourage a voluntary code of good practice in relation to drinks promotions and to encourage licence holders and others working at the premises to familiarise themselves with the mandatory conditions relating to drinks promotions.

8.608.80 To this end, the authority will encourage all licence holders to apply the following principles in relation to any drinks promotions:

Principle
Align pricing with Alcohol by Volume (ABV).
Start the sale of alcohol later in the day and not align it purely with opening hours.
Refrain from all-inclusive offers.
Promotional information should clearly display: <ul style="list-style-type: none"> - Factual information on the alcoholic strength of a drink(s); - That no-one under the age of 18 years may take part in the promotion; - display Drink Aware logo/information.

Promotions should not:
<ul style="list-style-type: none"> - focus on the strength of any alcohol product as the principle theme; - condone or encourage illegal, excessive or irresponsible drinking (such as binge-drinking, drunkenness or drink-driving); - refer in any favourable manner to the effects of intoxication or consumption; - suggest that alcohol consumption enhances sexual attractiveness or include promotion material that is linked to sexual imagery implying sexual success or prowess.
Restrict multi buy promotions.
No advertisements for alcohol in the shop window.
Alcohol should not be given away for free as part of a promotion or as an incentive.
Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
Make food and hot drinks available in late venues.

Shops Selling Alcohol (Off Licences)

8.648.81 There has been a trend towards more alcohol being purchased from shops and consumed at home and less being purchased and consumed in traditional pubs, restaurants and night clubs than used to be the case in the past. The growing practice of “pre-loading” has the potential to create specific problems and detriment to the licensing objectives *including the increased potential for underage and proxy sales which is detrimental to the protection of children from harm.*

8.628.82 Furthermore, the availability of alcohol for consumption off the premises has the potential to cause other problems that include ease of access to alcohol by children, ease of thefts, encouragement of street drinking, and increase of crime and disorder and public nuisance.

8.638.83 There are a number of ways in which licence holders and the authority can address these concerns.

Hours of Operation

8.648.84 See Table 1: Core Hours for Licensable Activities on page 27.

Layout and Operation of Premises

8.658.85 In most cases a licence holder will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises.

8.668.86 The authority will encourage all licence holders licensed for off sales to:

- a) Store high strength alcohol behind the shop counter;
- b) Not store or display any alcohol at the entrance/exit points of the premises;
- c) Not advertise alcohol in a shop window;
- d) Not sell single cans of beer or bottles of beer under 1 litre;
- e) Not sell beer or cider over 5.5% ABV;
- f) Not store or display any alcohol at or near check-outs; and
- g) Refuse to sell alcohol to persons known to be persistent offenders (where the offence(s) relates/associated with alcohol) or street drinkers.

Licence Conditions & Reviews

8.678.87 Where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the authority will consider imposing appropriate restrictions on a licence. This may include, although not limited to, restricting the hours for licensable activities, restricting the sale of alcoholic beverages over a specified limit of alcohol by volume and/or of specified quantities.

Late night refreshment exemptions based on designated locations, premises types and times

8.688.88 Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment.

8.698.89 This authority has not resolved to exempt premises from the requirement to have a licence to provide late night refreshment.

9. Film Classifications

- 9.1 The authority has a statutory obligation to classify films for public screening. The British Board of Film Classification (BBFC) is the nominated body that classifies films to be exhibited in cinemas on behalf of Licensing Authorities. Films that have not been classified by the BBFC and are to be screened in the borough must be submitted to the authority for classification.
- 9.2 All requests to classify a film must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format. Requests shall be assessed by officers of the authority against the BBFC guidelines and the

licensing objectives. Officers shall view the entire film and make a recommendation with regards to the appropriate classification. Officers do however reserve the right to refer the classification of a film to a licensing sub-committee in instances deemed necessary.

- 9.3 All requests must be submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the authority being unable to classify the film.

10. Events on Council Land

- 10.1 The authority wants to encourage cultural and community events in the borough but at the same time also protect the quality of life for residents.
- 10.2 In accordance with the provisions of the Act, the authority has made applications and been granted premises licences for areas of public land.
- 10.3 Persons wishing to carry on licensable activities on licensed public land will not be required to obtain a premises licence or give a temporary event notice themselves but must seek permission from the authority to use the premises licence to put on their event unless the nature of the event is such that it does not fall within the terms of the licence.
- 10.4 The authority has an adopted process for considering requests for events to be held on public land. In the first instance, persons wishing to use council land for an event must complete and submit an [application form](#).
- 10.5 In addition, a Safety Advisory Group (SAG) may be established in order to consider any safety issues related to an event. The event organiser must produce an event plan and must incorporate an operating schedule, risk assessments and address any safety issues before the authority allows the use of its licence.

11. Enforcement

- 11.1 In terms of regulation, our aim is to target those premises which are causing problems within our communities whilst supporting well managed premises and community activities, which provide worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises associated with disorder, threaten public safety, generate public nuisance, or threaten the well-being of children will be targeted for enforcement action.
- 11.2 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 11.3 The authority will monitor compliance with the licensing objectives through a programme of inspection visits. The proactive inspection visits are risk based so that those premises that are at a higher risk of adversely affecting the licensing objectives are more frequently inspected.
- 11.4 The authority will also establish enforcement protocols with the police and other enforcement agencies to ensure efficient and targeted joint enforcement is undertaken on a regular basis.
- 11.5 This does not prevent action being taken by any individual authority at any time should offences become apparent.
- 11.6 The authority will take in to account its adopted corporate enforcement policy when deciding what appropriate action to take.

Reviews

- 11.7 At any stage, following the grant of a premises licence, a responsible authority, or other person, may ask the authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.8 In every case, the application for review must relate to particular premises for which a licence is in existence and must be relevant to the promotion of the licensing objectives.

11.9 The necessary forms and documents are available from the authority's website at <http://www.cheltenham.gov.uk/licensing> or from the licensing section during normal office hours.

Suspension of Licences and Certificates for Non-Payment of Annual Fees

11.10 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

11.11 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or

because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

11.12 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

11.13 A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

11.14 Once payment has been received a written acknowledgement will be given to the licence or certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

11.15 Premises licence holders will receive the following invoices:

- Initial invoice 2 weeks before annual fee due date
- First reminder on annual fee due date
- Final reminder 2 weeks after annual fee due date
- Premises licence/ or club premises certificate will be suspended 21 days after annual fee due date if payment is not received

Appendix A –Consultees

This document has been developed by the authority in consultation with representatives of the following key stakeholder groups and organisations:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- each local authority's Director of Public Health in England (DPH);
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area.

Appendix B – Responsible Authorities

Gloucestershire Constabulary

Licensing Unit,
No 1 Waterwells, Waterwells Drive,
Quedgeley
Gloucester
GL2 2AN

Switchboard: 101

Email: licensing@gloucestershire.police.uk

Gloucestershire Fire and Rescue Service

Service Delivery Support
Waterwells Drive
Quedgeley
Gloucester
GL2 2AX

Tel: 01452 753333

Email: fire.safety@glosfire.gov.uk

Pollution Prevention

Environmental Protection
Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: EnvHealth@cheltenham.gov.uk

Health and Safety Enforcement

Where the local authority is the enforcing authority

Cheltenham Borough Council
Health and Safety – Environmental Health
Public Protection
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: EnvHealth@cheltenham.gov.uk

Where the HSE is the enforcing authority

Health and Safety Executive
4th Floor, The Pithay
All Saints Street
BRISTOL
BS1 1ND

Telephone: 0117 988 6000

Fax: 0117 926 2998

Email: (i) For service employment e.g. Central and Local Government, NHS etc. the contact is paula.johnson@hse.gsi.gov.uk

(ii) For other employment e.g. manufacture and repair, agriculture, transport, the contact is nigel.chambers@hse.gsi.gov.uk

Local Planning Authority

Planning Enforcement
Built Environment Division
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Tel 01242 264138

Email: planning@cheltenham.gov.uk

Child Protection

Gloucestershire Safeguarding Children Board
Block 4, 1st Floor, Room 133B,
Shire Hall,
Westgate Street,
Gloucester,
GL1 2TH

Tel: 01452 583629

Email: gscb@gloucestershire.gov.uk

Trading Standards

Gloucestershire County Council, Trading Standards,
Hillfield House
Denmark Road
Gloucester
GL1 3LD

Tel: 01452 426201

Email: tradstds@gloucestershire.gov.uk

Responsible Authority for Health

Public Health Department
Block 4, 2nd Floor
Gloucestershire County Council
Shire Hall, Westgate Street, Gloucester GL1 2TG

Tel: 01452 328699

Email: publichealth@gloucestershire.gov.uk

Cheltenham Borough Council Licensing

Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Tel: 01242 264135

Email: licensing@cheltenham.gov.uk

Home Office Immigration Enforcement

Email: alcohol@homeoffice.gov.uk

Appendix C – Pool of Model Conditions

Introduction

The conditions shall not be regarded as “standard conditions” which are to be automatically imposed on premises licences and certificates in all cases. The following are designed to provide a range of possible conditions which may need to be attached to premises licences or club premises certificates, depending upon differing situations.

All conditions attached to a premises licence and club premises certificate must be appropriate and proportionate to the application received.

The wording of the conditions may need to be modified to suit a particular premise and/or situation.

This is not an exhaustive or exclusive list of conditions.

Additional conditions may be drafted and attached to such licences and certificates to meet individual circumstances, both by the applicant in question, any responsible authority, or the Licensing Authority as deemed appropriate.

The majority of conditions refer to the ‘premises licence holder’ however, in some circumstances, it may be more appropriate for the designated premises supervisor to be responsible for complying with the condition. In these circumstances, the conditions can be amended to read ‘the designated premises supervisor or a competent person nominated by the designated premises supervisor’.

C&D – The Prevention of Crime & Disorder | **PN** – The Prevention of Public Nuisance | **CP** – Protection of Children from Harm | **PS** – Public Safety

Reference	Model Condition	Primary Licensing Objective*
Sale of Alcohol		
	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.	C&D CP
	No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.	C&D CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP

	No more than x% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.	C&D CP
	Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.	C&D CP
	Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.	C&D
	Alcohol may only be sold to persons having a table meal or those waiting to be seated prior to having a table meal.	C&D
	Alcohol shall be sold to customers by waiter/waitress service only.	C&D
	There shall be no sales of alcohol for consumption off the premises.	C&D CP
	Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.	C&D PN
	Any alcohol supplied for consumption off the premises must be in a sealed container.	C&D
	Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is authorised for sale.	C&D
Management of the Premises		
	A 'Winding-down and Dispersal' policy shall be adopted that includes measures to achieve a gradual and orderly dispersal of customers at the end of the trading session. These measures shall commence at least 15 minutes before the bar closes, and shall include slowing down the tempo of music, a significant reduction in the volume of music and announcements requesting customers to leave the premises quietly and respect the peace and quiet of the local residents.	C&D PN
	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.	C&D PN

	The Designated Premises Supervisor or premises license holder shall bring the contents of the licence and licence conditions to the attention of all door supervisors and other staff employed at the premises.	C&D PN CP PS
CCTV		
	A CCTV system consisting of a minimum of x cameras shall be installed at the premises. The CCTV system shall be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for a minimum of 14 days and be provided on DVD to officers of the authority, Trading Standards or Police on request.	C&D
	A staff member from the premises, who is conversant with the operation of the CCTV system, shall be on the premises at all times when the premises are open to the public. This staff member must be able to show the Police or Licensing Officer recent data or footage with the absolute minimum of delay when requested to do so.	C&D
	No alcohol shall be sold if the CCTV equipment is inoperative for any reason.	C&D CP
Radios		
	<p>The premises licence holder shall join the Night Safe radio scheme or any similar scheme operating in the town and ensure that:</p> <ul style="list-style-type: none"> • The communication equipment is kept in working order at all times. If the communication equipment breaks then the Police shall be notified and the equipment shall be repaired within a reasonable time period; • The communication equipment shall be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public; • Any police instructions/directions are complied with whenever given; and • All instances of crime and disorder are reported via the communication equipment by 	C&D

	the designated premises supervisor or a responsible member of staff to an agreed police contact point.	
Best Practice Scheme		
	The Designated Premises Supervisor shall maintain an active membership of the Night Safe (or successor 'pubwatch') including operation of the Nightsafe radio link.	C&D
Door Supervisors		
	A minimum of x SIA licensed door supervisor shall be on duty at the premises at all times whilst it is open to the public [or after xx.xx / until the last admission time for the public] .	C&D
	If door supervisors are required to undertake body searches then at least one female supervisor shall be available to undertake the body searches of female customers.	C&D
	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.	C&D
	Where door supervisors are required the premises licence holder [or Designated Premises Supervisor] shall keep records showing the names of the supervisor, their SIA badge number & expiry date, and the date/time that they were employed. A copy should be available immediately upon request to an authorised officer of Gloucestershire Constabulary or the authority.	C&D CP
	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.	C&D
	For a period of 30 minutes following the closure of the Bar, or until all customers have dispersed from the immediate vicinity if longer, there shall be a minimum of x door supervisors on the street outside the premises wearing high-visibility clothing to ensure the safe, orderly and quiet dispersal of customers in the immediate vicinity.	C&D PN

Hours		
	Consumption of alcohol shall cease x minutes after the time authorised for its sale or supply/provision of licensable activities.	C&D PN
Entry to Premises		
	No public access to the premises shall occur through the [specify doors/area]. This condition shall not restrict the use of the doors in the event of an emergency.	C&D CP PS
	There shall be no entry or re-entry, other than staff members, to the premises after xx.xx save for customers using the agreed smoking area at the premises.	C&D PN
	On occasions where licensable activities are carried on past xx:xx hours, admission of customers will be restricted to [enter restriction e.g. a particular entrance, a particular area of the licensed premises etc].	C&D
	In relation to the specified function room there shall be no admission after x other than to: (1) residents of the hotel and their bona fide guests; or (2) persons attending the pre-booked function	C&D
	All functions in the <i>specified function room</i> shall be pre-booked or ticketed events.	C&D PN
	No events solely for those under 18 will be permitted on the premises.	C&D CP
	The rules of admission to the premises shall be clearly and prominently displayed at each entrance to the Premises.	C&D CP
Alcoholic Containers		
	No glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff serving away from the bar.	C&D PS

	No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.	C&D
	The premises licence holder/designated premises supervisor shall ensure that no customers shall take glasses or open bottles from the premises other than into the outside area shown and edged [red] on the plan forming part of the premises licence.	C&D PN
	The premises licence holder shall ensure that only plastic or toughened glass containers will be used for the supply of beverages.	C&D
	There shall be no sale of alcohol in unsealed containers for consumption off the premises.	C&D
Notices/Signage		
	The premises licence holder shall ensure that a sign, indicating the hours during which licensable activities are permitted to take place, is displayed in, on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	C&D PN
	The premises licence holder shall ensure that a sign, detailing any restrictions on the admission of children, is displayed on or immediately outside the premises in a position where the notice can be conveniently read by members of the public.	CP
Drugs		
	The Designated Premises Supervisor shall complete/attend a recognised 'drug awareness' training course [within **** weeks/by **** date, or the DPS shall have completed/attended such training].	C&D
	Staff shall be provided with 'drug awareness training', and be briefed on the drugs policy applicable to the premises.	C&D
	Any person found with illegal drugs must be reported to a Police officer immediately.	C&D
	Whilst licensable activities are taking place, the toilets at the Premises must be checked at least hourly for	C&D

	illegal drug use or supply. A written log of all checks must be kept at the Premises for at 31 days and made available for immediate inspection on the request of an authorised officer of Gloucestershire Constabulary or the Licensing Authority.	
Promotions		
	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.	C&D
	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.	C&D
	28 days' notice shall be given to Gloucestershire Constabulary and the licensing authority of any events held which are organised by an outside promoter, including full details of the nature of the event and of the promoter.	C&D
Records		
	<p>An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the authority. The log will record the following:</p> <ul style="list-style-type: none"> • all crimes reported to the venue • all ejections of customers • any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity] • seizures of drugs or offensive weapons • any faults in the CCTV system or searching equipment or scanning equipment • any refusal of the sale of alcohol during the hours the premises is licensed to sell it 	C&D
Premises Layout		

	<p>The following alcoholic beverages shall be placed behind a staffed counter:</p> <ul style="list-style-type: none"> • mixed alcoholic beverages under 10% a.b.v. • beers or ciders over 5.5% a.b.v.; and • all spirits in bottles less than 70cl. 	C&D CP
	At least x members of staff shall be on duty on the shop floor between **** hours until closing time.	C&D
	The physical location of alcohol displays shall be in an area within sight of staff as identified on the plan of the premises annexed to the licence.	C&D CP
	The XX area shall be designated as a “chill-out” area whilst music and dancing are permitted on the premises which shall include adequate ventilation or fresh air; ready access to free drinking water; suitable seating accommodation; and access to First Aid facilities	C&D
	Seating for no less than [specify number] persons shall be provided in the premises at all times the premises are [specify “open” or “are providing any licensable activity”].	C&D
Use of Outdoor Area		
	The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.	C&D PN
	Customers will not be permitted to drink outside the premises save for in any seated area authorised under a pavement licence.	C&D PN
Disabled People		
	The premises licence holder shall ensure that, when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency and that disabled people on the premises are made aware of those arrangements.	PS
First Aid		
	The premises licence holder shall ensure that an adequate and appropriate supply of first aid	PS

	equipment and materials is available on the premises and at least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider that their respective duties are clearly defined.	
	The Licensee shall ensure that at all times when the public is present there is at least one competent person able to administer First Aid, that an adequate and appropriate supply of First Aid equipment and materials is available on the Premises and that adequate records are maintained in relation to the supply of any First Aid treatment.	PS
Lighting		
	The premises licence holder shall ensure that, in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully operational when the public, members or guests are present.	C&D PS
Special Effects		
	Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff.	PS
	<p>The following special effects will only be used on 10 days prior notice being given to the Licensing Authority and Environmental Health where consent has not been previously been given:</p> <ul style="list-style-type: none"> • dry ice machines and cryogenic fog • smoke machines and fog generators • pyrotechnics including fireworks • real flame • fire arms • motor vehicles • strobe lighting • lasers • explosives and highly flammable substances 	PS
	These special effects must only be used on the provision of a suitable and sufficient risk assessment and prior notification to the Licensing Authority and Environmental Health.	PS

	All escape routes and exits shall be kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.	PS
	All exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the checks shall be kept on the premises.	PS
Noise Nuisance (regulated entertainment)		
	The lobby doors at the premises shall be kept closed except for access and egress during the provision of regulated entertainment. Door staff, where employed, shall ensure that the doors are maintained closed as far as possible when regulated entertainment is taking place.	PN
	A noise limiting device shall be installed, fitted and maintained in such a manner so as to control all sources of amplified music at the premises during the provision of regulated entertainment. The noise limiting device shall be set at a limit determined by the Local Authority's Authorised Officer, such level being confirmed in writing to the premises licence holder.	PN
	Whenever any regulated entertainment occurs past 22:00 indoors all windows and doors shall be kept shut during these activities.	PN
	Loudspeakers shall not be located in the entrance lobby, [or specify another location if appropriate] or outside the premises.	PN
	Live music shall be provided by no more than two (2) performers on any day.	PN
	After 23:00 hours all windows shall be closed and remain closed.	C&D PN
	Unless otherwise specified on this licence no regulated entertainment shall take place at the premises with the exception of pre-booked private events limited to the provision of music and dancing for pre-invited guests.	C&D PN
	Where any regulated entertainment occurs at the premises, the Designated Premises Supervisor, or a	PN

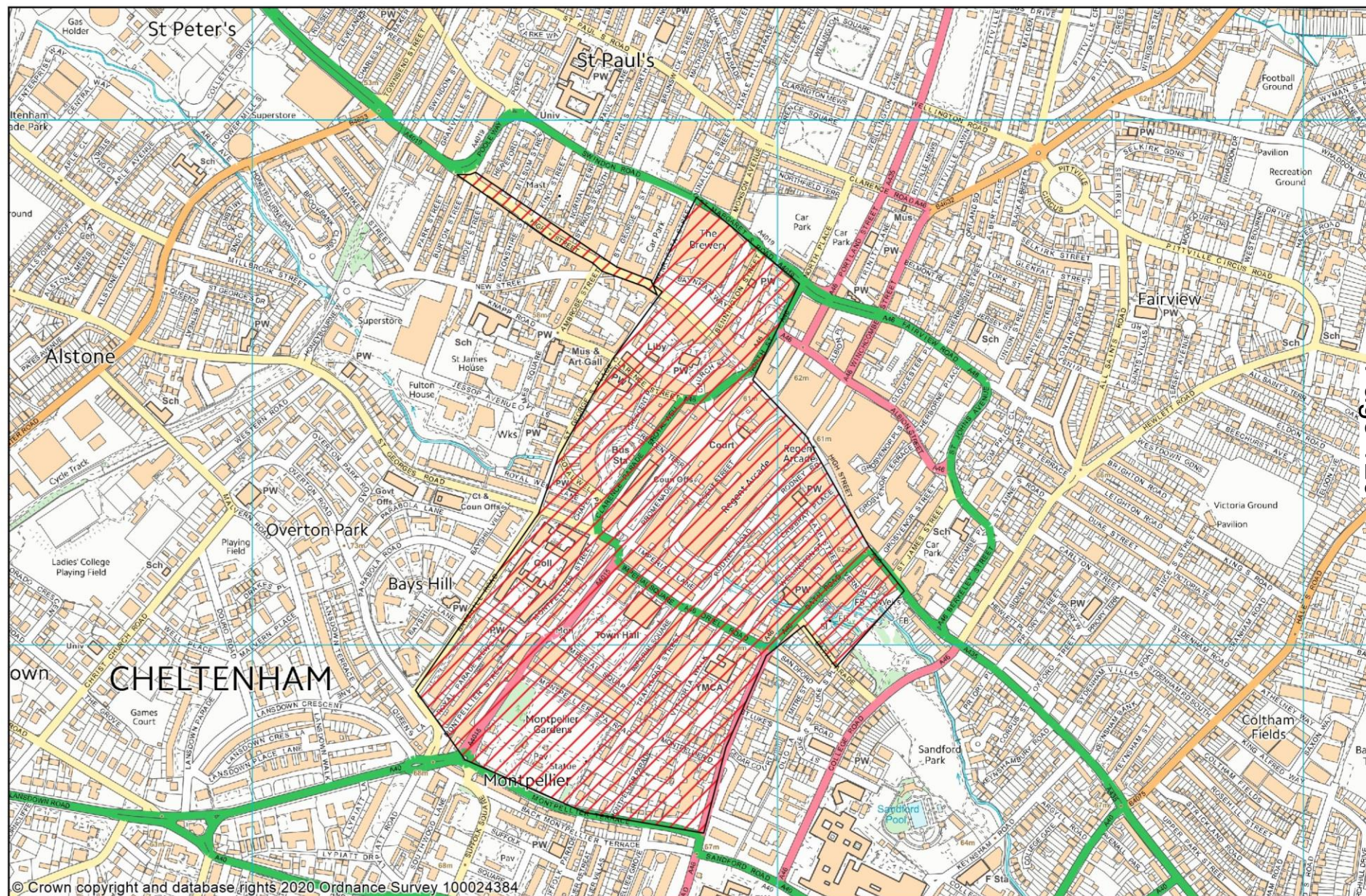
	person nominated by them, will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises.	
Noise Nuisance (people)		
	Prominent, clear notices shall be displayed at [all exits / in the beer garden] requesting customers to respect the needs of local residents and leave the premises and the area quietly.	PN
	The premises licence holder shall monitor the activity of persons leaving the premises [after xx:xx/are closed to the public] and remind them of their public responsibilities where necessary.	PN
	Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.	C&D PN
	Deliveries to the premises shall only be made between **.**. hours and **.**. hours on Mondays to Saturdays only.	PN
	The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.	PN
Lighting		
	Internal and external lighting provided for the purpose of customer and staff safety and for the security of the premises shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting associated with regulated entertainment shall be positioned so as not to cause nuisance to neighbouring or adjoining properties.	PN
	Lighting provided externally to promote advertising of the premises or activities associated with the premises shall be of an intensity such as not to cause nuisance to neighbouring or adjoining properties.	PN

Open Spaces		
	The area within which alcohol is served or consumed shall be clearly and effectively delineated using barriers, ropes, or similar so that the extent of the Designated Place where the licensable activity is temporarily permitted shall be clearly defined and notices shall be conspicuously placed in the area.	C&D PN
	Music noise levels from outdoor regulated entertainment must not exceed those defined in the Code of Practice on Environmental Noise Control at Concerts' (The Noise Council 1995 ISBN 0 900103 51	PN
	Use of the outdoor area will cease at 23:00 everyday.	PN
Other Nuisance		
	A public refuse bin shall be installed outside the premises subject to any necessary planning permission or listed building permission.	PN
	The premises licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.	C&D PN
Litter		
	At the termination of business on each day the outside area immediately to the front of and adjacent to the premises shall be cleared of debris and litter.	PN
Other		
	In cases of an event involving a significant number of unaccompanied children, the premises licence holder shall have a child protection policy in place to carry out suitable checks on staff before they take up employment.	CP
	A Challenge [21/25/or any other suitable age] policy shall be operated at the premises at all times. All staff shall require identification of all customers who appear to be less than [21/25/ or any other suitable age] years old and wish to purchase alcohol. Acceptable proof of age will be a PASS approved	CP

	proof of age card, UK passport or a UK photographic driving licence.	
	Challenge [21/25/ or any other suitable age] materials shall be displayed at the premises, including at the point of sale of alcohol, to inform customers of the operation of the scheme.	CP
	A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under x years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the authority.	CP
	Children under the age of x years shall not be allowed on the premises after **:** hours unless accompanied by an adult.	CP
	Children under the age of x years shall not be allowed on the premises.	CP
	No single cans or bottles of beer or cider shall be sold at the premises.	C&D CP
	Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.	CP
	The licence holder or the licence holders, servants, or agents, shall ensure that no flyposting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place at the premises.	PN C&D
Queuing		
	Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.	C&D
Dispersal		
	A minimum 30 minute 'drinking-up' time shall be provided to allow appropriate dispersal, use of lavatories etc.	C&D PN

	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.	C&D CP
	Freephones or payphones shall be made available to all customers and have displayed contact telephone numbers for selection of hackney carriages and private hire services.	PN
Boxing & Wrestling		
	At least 28 days' notice of any event involving boxing or wrestling entertainment events shall be provided to the licensing authority and the health and safety enforcing authority.	C&D

Appendix D – Designated Area of Concern



Licensing Committee – 6 September 2025

Review of Street Scene Activity Policies

Report of the Head of Public Protection

1. Introduction

- 1.1 The authority is currently consulting on two street scene activity policies – a proposed new Pavement Licensing policy and revisions to its adopted Street Scene policy.
- 1.2 This report outlines the policy proposals for the Licensing Committee to consider these and provide a response as it sees necessary and appropriate.
- 1.3 The Licensing Committee acts as consultee to the Cabinet Member for Safety and Communities on recommendations/responses for the adoption and review of licensing policy. It is with this in mind that the Licensing Committee is asked to consider the policy proposals and provide a response to these.

Recommendations:

- 1.4 The Licensing Committee is recommended to:
 - 1.4.1 Note the policy proposals; and
 - 1.4.2 Provide formal recommendations and/or responses to the Cabinet Member of Safety & Communities in relation to these.

Implications

Legal	<p>There is no statutory requirement to undertake a review of the licensing policy in relation to street scene activities, but it is good practice to do so. Any legal implications are covered in the report.</p> <p>One Legal E-mail: legalservices@onelegal.org.uk</p>
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2. Street Scene Activity Policy

- 2.1 Cheltenham Borough Council (the authority) previously adopted its Street Scene Activity policy in 2021.
- 2.2 The main purpose of this policy is to provide clarity to applicants, consultees, elected Members and other persons on how the authority will determine applications for charitable collections, consent to obstruct the public highway across the whole of the Borough of Cheltenham and other street scene activities and also to provide a basis for all licensing decisions taken by the authority and inform elected Members of the parameters within which licensing decisions can be made.
- 2.3 Following the introduction of the Business and Planning Act 2020, there is a separate legislation that governs the licensing of tables, chairs and other types of furniture that will assist premises with the sale of food and/or drink. Businesses can now apply to the authority for a Pavement Licence.

- 2.4 This review is seeking views on the draft ~~Pavement~~ Licensing Policy and amendments to the existing Street Scene Policy.

3. Draft Pavement Licence Policy

- 3.1 The Business and Planning Act 2020 initially introduced temporary provisions for pavement licences to streamline the process for businesses selling food and drink to place furniture on the highway. These provisions were initially temporary due to the COVID-19 pandemic, allowing businesses to quickly obtain authorisation for pavement cafes.
- 3.2 Pavement licences have subsequently been extended and made permanent under the Levelling-up and Regeneration Act 2023.
- 3.3 By way of a summary, in England, a pavement licence allows businesses such as pubs, cafes, and restaurants to place removable furniture - like tables, chairs, and barriers - on public highways adjacent to their premises for the purpose of selling or serving food and drink or enabling customers to consume it outdoors.
- 3.4 Eligible businesses must apply electronically, pay a capped fee (£500 for new applications, £350 for renewals), and post a public notice on the premises. The application undergoes a 14-day public consultation, and if not determined within the subsequent 14-day period, the licence is automatically granted for two years.
- 3.5 The licence also grants deemed planning permission for the use of the highway space. However, it does not override other regulatory requirements, such as alcohol licensing.
- 3.6 Local authorities must ensure accessibility and safety, particularly for disabled users, and may revoke licences that breach conditions.
- 3.7 The authority does not currently have an adopted licensing policy for the, now, permanent pavement licensing provisions hence this draft policy and consultation.
- 3.8 The licensing process is largely prescribed through the legislation with some discretion on fees setting, local conditions and consultation. Outlined below are the policy proposals on the areas of discretion:
- 3.8.1 Fees - are set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.

The policy proposes to set licensing fees at £500 for first time applications and £350 for renewals.

- 3.8.2 Duration - a local authority can specify the duration of the licence, up to a maximum period of 2 years. The official guidance states “To help support local businesses and give them more certainty, the expectation is that local authorities are pragmatic and will grant licences the maximum 2 years.”

The policy proposes to set the maximum licence duration at 2 years.

- 3.8.3 Application consultation – there is a requirement for the authority to consult on licensing applications.

The policy sets out at 3.3 the proposed standing partners that the authority will consult with.

- 3.8.4 Site Assessment – It is open to the authority to consider “a number of factors, when determining whether to approve the application”.

The policy outlines in paragraph 3.5 the matters it will consider when determine whether an application should be granted or refused.

Review of Street Scene Activity Policy		
	Page 2 of 3	Last updated 26 August 2025

3.8.5 Conditions – The authority has discretion to set its own local licensing conditions for pavement licences.

The policy outlines in, Appendix 2, the proposed “Standard Pavement Licence Conditions”. This includes a new standard requirement for pavement licence holders to comply with a request by the authority to remove objects where there will be a clash with an established market on the same location.

4. Draft Street Scene Policy

- 4.1 Along with the consultation of the draft Pavement Licence policy, a review of the existing Street Scene policy was also undertaken.
- 4.2 Some minor changes have been made to this policy as indicated in the tracked changes.

5. Consultation

- 5.1 The 6-week consultation can be found on the authority’s website and closes on 7 September 2025.
- 5.2 To assist the committee with considering its response, a copy of both the draft policies are attached to this report.
- 5.3 Cabinet will consider the policy proposals and consultation feedback in due course following the conclusion of the consultations.

Background Papers

Service Records

Appendices

- Appendix 1 – Draft Pavement Licence Policy
- Appendix 2 – Draft Street Scene Policy

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Cheltenham Borough Council

Pavement Licensing Policy

***2025

Version control

Date	Version	Amendments
June 2025	1	Draft document for consultation

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1. Introduction

The Business and Planning Act 2020 ('the Act') introduced provisions designed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors, maximising their ability to trade, assisting them to operate safely and promoting economic recovery in response to the impact of the global COVID-19 pandemic.

The Act created a regime for processing applications for 'pavement licences' to authorise businesses such as cafes, restaurants and bars to place furniture on the highway. This is a fast-track procedure to get the same permissions a business would previously have had from a Part 7A Highways Act permit, street trading consent and planning permission (change of use).

The Levelling Up and Regeneration Act 2023 made the provisions of the Business and Planning Act permanent with effect from 31 March 2024.

This guidance will be kept under review and may be amended periodically as required. The government has also published their own [guidance on pavement licences](#).

The council must also have regard to its wider duties, including those under the Public Sector Equality Duty, Equality Act 2010, Human Rights Act 1998, Environmental Protection Act 1990, and the Crime and Disorder Act 1998.

Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for the consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to

which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A licence is not required for furniture sited on private land.

The licensed area is normally expected to be an area directly in front of and visible from the premises. The area should not extend beyond the width of its frontage unless there are exceptional circumstances.

2.4 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and
- other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away when not in use. Furniture should also be of a type that is not likely to cause damage to the highway surface. Furniture should be non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction or a safety hazard.

The council would also expect the type of furniture to be 'in keeping' with the local area and compliant with the [design guide](#). 'A' boards are not a permitted type of furniture under the pavement licence and would need to be licensed under a permission to place an object on the highway.

2.5 Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

3. Application and Determination of Pavement Licences

3.1 How to make an Application

An application for a pavement licence (either grant or renewal) must be made electronically (either by email or through the online applications portal) on the council's application form and accompanied by the following:

- Public liability insurance to a minimum value of £5 million
- Site plan to a suitable scale or with clear measurements showing:
 - property boundary and proposed boundary of area to be covered by the pavement licence (with a red line to indicate the area to be licensed)
 - building and kerb lines showing measurements of the clear space between the licensed area and any obstacles or the edge of the pavement/road
 - furniture layout

- location and type of barriers to separate the licensed areas from the rest of the highway
- position of any lighting columns, litter bins, road signs or other existing street furniture

There is no provision to vary a licence and therefore any changes will require a new application.

An application will not be considered complete until the application form, all required documents (including satisfactory plan) and the application fee have all been received. The consultation period will commence the day after a complete application has been made.

Any invalid applications will be refused.

3.2 Fees

The fee for applying for a licence is £500. This charge covers administration and compliance costs. This is not refundable in the event that an application is deemed invalid, rejected, or a licence subsequently surrendered, suspended or revoked.

The fee for the renewal of a licence is £350. A renewal application is defined as one made before expiry of the previous licence by the same holder, for the same premises and in the same terms.

3.3 Consultation

National legislation prescribes statutory consultation as part of the application process.

The consultation period is 14 days (excluding public holidays), starting with the day after the day on which a valid application was made to the council.

The council will aim to publish details of the application on its website.

The Council is required by law to consult with the Highway Authority. In addition, the Council will consult with:

- Cheltenham Borough Council Environmental Protection team
- Cheltenham Borough Council Food, Health and Safety team
- Cheltenham Borough Council Green Space Development team
- Cheltenham Borough Council Parks team
- Cheltenham Borough Council Marketing team
- Cheltenham Borough Council Planning Enforcement team
- Cheltenham Borough Council Townscape team
- Cheltenham Borough Council Ward Councillors (the individuals that are elected for the area where the application is made)
- Gloucestershire Constabulary
- Cheltenham BID
- Cheltenham Trust
- Ubico
- Inclusion Gloucestershire
- Gloucestershire Sight Loss Council

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

The Council has a further 14 days (excluding public holidays) once the consultation has ended to determine the application.

If the Council fails to determine the application within 28 days (excluding public holidays), the licence is deemed granted.

3.4 Site Notice

The applicant has to display a site notice of the application on its premise to which it relates, on the same day that they submit the application. The notice must be easily visible and legible to the public and the applicant must ensure the notice remains in place for the whole of the public consultation period as detailed above.

Applicants should record and retain evidence that they have complied with all requirements, including posting the notice at their premises. It is recommended that you take a photo of the notice on a mobile phone each day during the consultation period so that you can prove the notice was there for the required period.

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposal:

- public health and safety – for example, ensuring that uses conform with latest guidance such as reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter? and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises;
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example, if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and so take any issues around noise, and nuisance into consideration as part of the proposal. Discussions with neighbours should consider any plans neighbouring businesses have to place tables and chairs on the highway and plans for customers to queue outside.

3.6 Determination

At the end of the consultation period, the council has 14 days (excluding public holidays) to determine the application.

- If the council determines the application before the end of the determination period the council can:
- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- reject the application.

If the Council does not determine the application within the determination period, the application will be deemed to have been granted subject to any local conditions published by the council at the time the application is submitted.

The following are authorised to grant, refuse or revoke a licence:

Decision	Delegated to
Grant of an application where no objections have been received during the consultation period and application complies with adopted policy	All Officers within the Licensing Team
Grant or refusal of an application where objections have been received during the consultation period	Service Manager or Head of Service
Revocation of a licence or determination of an application contrary to adopted policy	Licensing Committee

3.7 Approval of Applications

If the council chooses to approve the application, a pavement licence will be issued to which conditions will be attached. The licence will also contain specific details such as days and hours when furniture is permitted for use, and a copy of the plan to confirm the authorised positions for furniture.

Licences will be granted for two years unless there are good reasons for granting a licence for a shorter period, such as plans for future changes to the highway in that area.

If the council does not decide the application within the determination period, the licence which was applied for is deemed to be granted for two years with the standard conditions.

The council will generally only grant pavement licences to operate between 08:00 and 22:00.

Applicants wishing to operate outside these hours may wish to include additional information as to how they will prevent nuisance affecting nearby residents. The council also retains the right to specify permitted hours on the licence that are reduced from those specified above in appropriate circumstances.

Licences are not transferable, so a new application would be required to issue a licence to a new licence holder.

3.8 Refusal of Applications

If the site is deemed unsuitable for a Pavement Café, or if relevant representations are made which cannot be mitigated by conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application.

A business may apply again after refusal but will have to make a new application with an additional fee and address the concerns raised in the original application.

If an applicant or objector does not believe due process has been followed when determining an application, they are entitled to use the council's complaints procedure.

3.9 Variations

There is no provision in the legislation to apply for a variation of a pavement licence. Should the licence holder wish to vary the licence, they would need to submit a new application.

4. Conditions

The Council's standard conditions can be found at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case-by-case basis, and the Council will confirm the reasons why any additional conditions have been imposed.

The Act contains two national conditions that all granted and deemed granted licences must adhere to if the Council fails to publish their own conditions, or the published conditions fail to make provision for observing the national conditions. The two conditions are:

- a no-obstruction condition
- a smoke free seating condition

The Council's published conditions make provision for these conditions, but for the sake of transparency, the national conditions are detailed in Appendix 3 to this document.

The Act also allows for the Secretary of State to produce, via Regulations, conditions for pavement licences, and to stipulate whether these conditions have effect as well as, or instead of, the conditions placed on a licence by the Council. If such conditions are created, this guidance will be amended to reflect them, and all licence holders will be notified of any changes this may create.

Where a Council sets a local condition that covers the same matter as set out in national conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

5. Enforcement

The highway authority retains the power under s.149 of the Highways Act 1980 to remove items on the highway which are a nuisance – whether they are licensed or not. This power is exercisable immediately in cases where the furniture causes a danger.

Where a business sites furniture for use by customers to consume food or drink without a licence, a notice may be served under 7A of the Act requiring the business to remove the furniture before a specified date, and to refrain from putting furniture on the highway without a licence. If furniture continues to be sited without permission, the council can remove the furniture and store it. The business will be liable for any costs associated with removal and storage, and the furniture will not be returned until such costs are paid in full. After 3 months of serving of the notice, the furniture can be disposed of as the council sees fit, which may include sale of the furniture with the proceeds applied towards the costs of storage.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, such as health and safety legislation, nuisance, food hygiene requirements and premises licence conditions under the Licensing Act 2003.

All enforcement activity by the council will be undertaken in line with our Enforcement Policy. Periodic inspections of premises with pavement licences will be made by the council to ensure compliance with the licence and conditions.

If there is a breach of a licence condition, the council may either revoke the licence, or serve a notice on the licence holder requiring them to take steps to remedy the breach within a specified time. If the licence holder fails to comply with a notice, the council may revoke the notice or take the steps itself and recover the costs of doing so from the licence holder.

The council may also revoke a licence where:

- (a) all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted - for example, the licensed area (or road adjacent) is no longer to be pedestrianised.
- (b) there are risks to health or safety – for example by placing tables and chairs too close together
- (c) the use of the highway is causing an unacceptable obstruction – for example the furniture preventing a wheelchair user from passing along the highway
- (d) there is anti-social behaviour or public nuisance
- (e) it comes to light that the applicant provided false or misleading statements in their application, or
- (f) the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

Where a licence is revoked, full notice with reasons will be given.

In addition, licences can be amended (with the agreement of the licence holder) to remedy any concerns in respect of items (a) to (d) above.

The usual procedure for a breach of conditions will be a warning to comply and that further contravention will result in revocation of the licence. The licensee will be allowed reasonable time to comply. If the contravention continues or is repeated within the licence period, the licence is likely to be revoked. If any breaches of conditions are serious enough in nature, the licence may be revoked without the warning letter stage.

6. Review Procedures

This Policy will be reviewed every 5 years or when changes occur in relevant legislation, the nature of Pavement Cafés change generally or as a result of local considerations within the Borough of Cheltenham..

BUSINESS AND PLANNING ACT 2020

NOTICE OF APPLICATION FOR GRANT OF A PAVEMENT LICENCE

I / we(1)

Do hereby give notice that on (2)

I / we have applied to Cheltenham Borough Council for a pavement licence at:

.....

..... (3)

Known as..... (4)

The application is for:

.....

..... (5)

To be used during the following periods (6):

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	:	:	:	:	:	:	:
Finish	:	:	:	:	:	:	:

Any person wishing to make representations to this application must send these to the Licensing Team at Cheltenham Borough Council at licensing@cheltenham.gov.uk by:

..... (7)

Details of the application can be viewed at www.cheltenham.gov.uk

Date (8)

Guidance notes on completing this notice of application

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink).
- (6) Time using 24 hour clock, enter proposed start and end times for the use of the furniture (use N/A for any days when furniture will not be used – please do not leave any of this section blank)
- (7) Last date for representations being the date 14 days after the date the application is submitted to the Council (excluding public holidays)
- (8) The date the notice was placed (must be the same date as (2) above)

On the same day that the application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises. It should be secured so that the notice remains in place until the end of the 14 day public consultation period.

Failure to comply with this requirement may lead to the revocation of any licence granted or deemed granted.

Standard Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

1. The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
2. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's [Inclusive Mobility](#) document.
3. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking (including vaping) is not permitted.
4. Furniture placed on the highway must be in accordance with the details and plans provided at the time of the application. No changes are permitted without prior approval from the Council.
5. a) The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work to take place. In addition, the licence holder must comply with any request to remove the furniture due to an emergency situation.

b) The licence holder must also remove all furniture when special events (including markets) take place (except where formally agreed in writing with the licensing authority that the furniture can remain).

Notice of maintenance or events will be given to the licence holder where possible. The Highway Authority and/or Council will not be liable for any loss of earnings arising when the pavement licence cannot be used.

6. Furniture must not be set out on the highway any earlier than half an hour before trading start, and the area must be closed and all furniture removed from the highway half an hour after the licence timings end. When not in use, all furniture must be stored securely inside a premises away from the highway.
7. If the furniture is (a) not removed outside the permitted hours or (b) located in breach of the licence, conditions or other regulatory requirements, the Highway Authority may remove and store or dispose furniture, at the cost of the licence holder and with no responsibility for safekeeping.
8. A clear route of access shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street. A clear pathway of at least 1 metre wide shall also be maintained to allow entry and exit from the premises.
9. Furniture must not protrude beyond the designated boundary of the licensed area or interfere with required vision lines for traffic and pedestrians.
10. The licensed area should be separated from the rest of the highway (for example, with a barrier or planters) to guide persons with a visual impairment around the area.
11. The licence holder shall ensure that the footway is not obstructed by patrons waiting to be seated, or by any other items of furniture or personal possessions of patrons.
12. The placement of furniture must not obstruct any emergency exits from the premises or any adjacent buildings, and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.
13. Any furniture shall be kept in a clean, safe and well-maintained condition. Any canopies or umbrellas must be adequately secured.
14. The licensed area must be kept clean and tidy at all times. This will include washing down the area and removing any refuse and litter on the highway in the immediate vicinity of the furniture.
15. No forms of musical entertainment (i.e. live music, recorded music and background music) are permitted in the area.
16. The licence holder must ensure that the licensed area is monitored regularly by staff to ensure compliance with the licence conditions and to ensure that the area operates in a safe and orderly manner to reduce the risk of nuisance.

17. The licence holder shall not allow their customers to cause any form of nuisance or annoyance to: (a) any other users of the highway (b) any neighbouring residents, or (c) any neighbouring businesses.
18. During hours of use, the licence holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to neighbouring residents and businesses upon request.
19. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must be approved in writing by the Highway Authority.
20. When the licensed area is in use, the licence holder shall make toilets and hand washing facilities available for customers, including to wheelchair accessible standards where it is practicable and reasonable to do so.
21. The licence holder shall ensure that disabled persons and wheelchair users can be adequately served.
22. The licence holder is not permitted to make any fixtures or excavations of any kind to the surface of the highway without prior written approval from the Highway Authority. Any costs incurred as a result of damage to the highway or council property, due to the use of the area under this licence, will be recovered in full from the licence holder by the Highway Authority.
23. If the premises does not hold a licence under the Licensing Act 2003 which authorises the sale of alcohol, the licence holder must not allow the consumption of alcoholic liquor within the licensed area. Only alcohol purchased from the connected premises may be consumed within the licensed area.
24. The front page of the licence and the approved plan must be prominently displayed on the premises so that it may be easily viewed.
25. The licence holder shall maintain a policy of public liability insurance indemnifying the Council and Highway Authority against any injury or damage to any person or property and against any claim, liability, expense or damage arising by reason or in consequence of the use of the area under this licence. The policy shall provide cover of not less than £5 million in respect of any one incident.
26. At the end of the licence period or on revocation of the licence, the licence holder must remove any tables, chairs and other furniture immediately and reinstate the highway to its former state and condition. If they fail to do so, the Highway Authority will be empowered to carry out such work of reinstatement and recover the costs of such work from the licence holder.
27. These conditions may be varied where necessary and the new conditions will come into effect upon written notification by the Council.

National Conditions

[All section references are to the Business and Planning Act 2020]

No-obstruction condition

Section 5(5)

A “no-obstruction condition” is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6):

Section 3(6)

The effects referred to in subsection (5) are-

- a) preventing traffic, other than vehicular traffic, from—
 - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - ii. passing along the relevant highway, or
 - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition:

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.



Policy on measures to control street scene activities in Cheltenham

| All enquiries should be directed to:--
Licensing Section
Municipal Offices
Promenade
CHELTENHAM
GL50 9SA
Tel: 01242 262626
E-mail: licensing@cheltenham.gov.uk
Website: www.cheltenham.gov.uk/licensing

This Policy was adopted by Cabinet on ~~27 April 2021~~ taking effect on ~~07 May 2021~~.

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Introduction

General Information

The aim of this policy is to detail procedures and policies that will apply to charitable collections, consent to obstruct the public highway across the whole of the borough of Cheltenham and other street scene activities as referenced in this policy document. Street trading activity forms part of a separate policy and is therefore not within scope of this policy document unless otherwise stated in this policy.

Policy aims and objectives:

- Clear, transparent and fair policy governing all activities within scope of this policy document.
- To enable the Authority to manage all activities in scope of this policy document to provide effective control measures.
- To ensure activities in scope of this policy meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Authority's efforts to improve the image, perception and attractiveness of the town.
- To avoid duplication with other statutory provisions and the Authority's commitment to work in partnership with other enforcement agencies.
- To support the Authority's climate emergency declaration and work associated with this.

Complaints against the Service

The Authority has a corporate complaints procedure, copies of which are available from the Authority's offices or on the Authority's website www.cheltenham.gov.uk.

Social Inclusion/Equalities

This policy will be applied in a manner that is consistent with the Authority's Equality, diversity and inclusion policy and duties.

Implementation and Review

The Authority will keep this policy under review and will consult where appropriate on proposed revisions. It will in any event review this policy at least every three years.

From the date of effect, the policy overrides and supersedes all existing policies or arrangement in relation to consent to place an object on the highway and charitable collection permits. Existing consent holders will, upon renewal or when submitting a subsequent application, come under the provisions of this policy.

Enforcement

The Authority will enforce the provisions of this policy in line with its [Corporate Enforcement Policy](#).

Data Protection

The Authority has published data protection statements for the authorisations within scope of this policy document. Please refer to the Authority's website for more information: www.cheltenham.gov.uk/your-data.

Field Code Changed

Climate Emergency

The Authority has declared a climate emergency. This policy will consider this in this policy and implement measures to support the Authority's declaration and associated outcomes.

Part 1 - Charitable Collections

Introduction

This part of the policy document forms the Authority's charitable collections policy that will apply to Street, House to House and Direct Debit Collection activities in the Borough of Cheltenham.

Street Collections

1. Framework

1.1 Definitions of terms used in this Part

Within this part the following definitions apply:

The Council or Authority: Cheltenham Borough Council

Borough: The Borough of Cheltenham

Permit: Street Collection Permit

Charity: Is any organisation or body that
a) is established for charitable purposes only, and
b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.

Charitable purpose: Means any charitable, benevolent or philanthropic purpose that includes the following
a) the prevention or relief of poverty;
b) the advancement of education;
c) the advancement of religion
d) the advancement of health or the saving of lives;
e) the advancement of citizenship or community development;
f) the advancement of the arts, culture, heritage or science;
g) the advancement of amateur sport;
h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality, diversity and inclusion;
i) the advancement of environmental protection or improvement;
j) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
k) the advancement of animal welfare;
l) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the

	police, fire and rescue services or ambulance services.
Promoter(s):	a person or organisation who causes others to act as collectors.
Collection:	a collection of money or a sale of articles for the benefit of Charitable or other purposes.
National Charity:	Charities that are registered to operate throughout England and Wales as defined in its governing document regardless of whether the charity has a local office.
Town Centre:	Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2020.

1.2 Legislation

The licensing of street collections is regulated by the Charities Act 2006, which regulates collections of money or sales of articles for charitable or other purposes in streets and public places. The Police, Factories, & c. (Miscellaneous Provisions) Act 1916 gives district councils powers to write regulations and policies to control street collections.

The legislation and regulations stipulate that any collection to be undertaken in a street or public place requires a permit. It is a criminal offence to conduct a collection in any street or public place within the borough without first obtaining such a permit from the Authority.

2. Application Procedure

2.1 Submitting an Application

An application for a permit must be made to the Authority in writing on the prescribed application form provided no later than 2 weeks before the proposed collection date. To download the Permit application form visit: www.gov.uk/apply-for-a-licence/street-collection-licence/cheltenham/apply-1

Permit application forms:

- may be downloaded or made online from the Authority's website,
- are obtainable from the Authority's Licensing Section, or

The following will be required to be submitted with the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than within the borough's area);
- (c) a copy of the organisation's most recently audited accounts;
- (d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Authority;

- (e) for transitory collections, details of the proposed routes must be provided with the application; and
- (f) statement of due diligence.

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

2.2 Determination of an Application

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

The legislation does not include statutory criteria for the approval or rejection of a permit request. This is a matter for the Authority's discretion. This policy reflects the wide discretion given to the Authority enabling it to grant/decline/limit permits on various grounds that are not specific within the legislation and regulations.

The Authority reserves the right to make more detailed enquiries about an application and the proposed collection in certain circumstances.

Enquiries may be made to Gloucestershire Constabulary and/or the Charity Commission for comment/investigation prior to consideration.

The Authority may also consult with other internal departments. Where the application for a permit includes a street procession or placing a structure or vehicle on the street/highway, or where the proposed collection relates to the sale of articles in a street/public place, permission should be sought in advance from the relevant Authority.

There are no statutory grounds for refusing an application for permits. However, the Authority will refuse the application if it considers that the collections:

1. Are not for "charitable or other purposes", and/or
2. Contravene the provisions of this policy, legislation and/or regulations.

In addition, the Authority can refuse any application for any of the following reasons:

1. To limit the number of collections;
2. If too high a proportion of the proceeds are likely to be spent on expenses;
3. If inaccurate information was provided on the permit application;
4. If the promoter or any other person involved has been convicted of certain criminal offences, in particular offences of dishonesty e.g. theft, blackmail or fraud etc.; and/or
5. Once issued, a licence may be revoked if it is believed the objectives are or could be compromised.

2.2.2 Form of Statement/Returns Form

Attention is drawn to section 16 of the regulations which sets out the procedure for submission of a statement of income and expenditure (certified by the applicant and either an accountant or an independent person of good standing acceptable to the Authority) etc. All items required under this regulation must be submitted within one

month of the date of collection and it is essential that this time scale be adhered to. Failure to apply may prejudice any future applications.

3. Policy Principles, Aims and Objectives

This section outlines the policies the Authority will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied and where and how often an organisation may make a street collection in the Borough.

In particular, the policy aims to promote the following aims and objectives in reference to charitable collections:

- To have a clear, transparent and fair policy governing charitable collections in the Borough.
- To enable the Authority to effectively regulate all charitable collections.
- To ensure that collections are genuinely charitable/not-for-profit in nature.
- To avoid duplication with other statutory provisions and the Authority commitment to work in partnership with other enforcement agencies.

3.1 Allocation of Street Collection Days

The issuing of a permit is subject to the special arrangements that apply to Christmas collections (3.4), Cheltenham Festival (in March annually) collections (3.5), collections on behalf of national charities (3.6) and organisations will be allowed a permit every year (see below).

The Authority operates a diary booking system on a “first come, first served” basis for the allocation of street collection date(s) to ensure that all charities have equal access to their preferred collection dates. No guarantee will be given that a charitable organisation's preferred date(s) will be allocated to that organisation. Where an organisation's preferred date(s) cannot be granted, alternative dates may be suggested where practicable.

The Authority will normally only permit a maximum of one collection in the town centre per day although collection applications for other areas in the Borough away from the town centre will be considered at the Authority's discretion.

3.2 Transitory Collections

Transitory collections, i.e. those whose collections pass through the Borough, will be given permits subject to their route not coinciding with a permit already granted. These events are normally sponsored walks, street processions, bed pushes or cycle rides etc.

3.3 Emergency and Special Collections

In exceptional circumstances, such as an emergency appeal or a national special event, consideration may be given to the grant of additional permits or reduced notice time, at the discretion of the Authority.

3.4 Christmas Town Centre Street Collections

In addition to the requirements set out above, the Authority will specify additional requirements for collection applications between 15th November to the 31st December inclusive (“Christmas collections”) in the town centre.

The Authority will not accept applications for Christmas collections until the first week of September every year.

To permit as many Christmas collections as possible, the Authority may allocate applicants either a morning slot (8am to 1pm) or an afternoon slot (1pm to 6pm).

Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

Collection applications for other areas in the Borough over December, away from the town centre, will be considered on merits and at Authority's discretion.

3.5 Cheltenham Festival Collections

In addition to the requirements set out above, the Authority will also specify additional requirements for collection applications for March and November every year during the Cheltenham Festival ("Race week collections").

The Authority will not accept applications for race week collections until the first week of October every year.

Where the applicants preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

Collection applications for other areas in the Borough over the Festival week, away from the town centre, will be considered at the Authority's discretion.

3.6 Collections on behalf of National Charities

The Authority recognises that in certain cases a number of different individuals may want to have a collection for the same charity throughout any calendar year. These are normally national charities such as Help for Heroes, Children in Need, Comic Relief etc.

In cases like these, the Authority will not limit collections based on the charity benefiting from the collection (in accordance with 3.1 above). Instead, individual promoters or collectors will only be permitted one collection per calendar year for each benefiting charity.

3.7 Animals

The use of animals in conjunction with street collections is discouraged and will only be permitted in conjunction with animal charities.

House to House Collections

1. Framework

1.1 Definitions of terms used in this Part

Within the terms of Cheltenham Borough Council's Licensing of House to House Collections, the following definitions apply:

Permit:	House to House Collection Permit
Collection:	An appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property and the word "collector" shall be construed accordingly.
The Council or Authority:	Cheltenham Borough Council
Borough:	The Borough of Cheltenham
Charity:	Means any organisation or body that a) is established for charitable purposes only, and b) falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.
Charitable purpose:	Means any charitable, benevolent or philanthropic purpose that includes the following a) the prevention or relief of poverty; b) the advancement of education; c) the advancement of religion d) the advancement of health or the saving of lives; e) the advancement of citizenship or community development; f) the advancement of the arts, culture, heritage or science; g) the advancement of amateur sport; h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality, diversity and inclusion; i) the advancement of environmental protection or improvement; l) the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; k) the advancement of animal welfare; n) the promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services.

Promoter(s):	a person or organisation who causes others to act as collectors.
Town Centre:	Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2020.

1.2 Legislation

House to House Collections are regulated by the House Collections Act 1939 and the House to House Collections Regulations 1947.

2. Application Procedure

2.1 Submitting an Application

An application for a permit must be made to the Authority in writing on the prescribed application form provided not later than two weeks before the proposed collection date.

Permit application forms:

- may be downloaded or made online from the Authority's website,
- are obtainable from the Authority's Licensing Section, or

The application form must be fully and correctly completed and accompanied where appropriate by any necessary information. Before the Authority can grant a permit, it needs to have as much information as possible about the charity, its promoters and collectors.

The following will be required to be submitted with the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than within the Borough's area);
- (c) a copy of the organisation's most recently audited accounts;
- (d) if the application is made on behalf of a charity a letter of authorisation; any other relevant information requested by the Authority;
- (e) statement of due diligence.

2.2 Determination of an Application

Applications will be considered on receipt and, where appropriate, additional information may be requested from the applicant. Failure to provide adequate information in the application form or upon request will result in an invalid application and the application and documents will be returned to the applicant.

2.2.2 Exemptions

Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part of England and Wales, and is committed to promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain permits from the

Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.

If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, they may grant to the person who appears to them to be principally concerned in the promotion of the collection a Certificate in the prescribed form; and where a Certificate is so granted, a permit from the Licensing Authority is not required and the provisions of the Regulations shall not apply to a collection made in conformity with such Certificate.

Charities that benefit from a national exemption order made by the Secretary of State, although not needing a permit from the Authority, still have to notify the Authority when they are going to fundraise in the Borough.

3. Policy Principles

This section outlines the policies the Authority will apply when making decisions on applications for permits. In particular, it explains how the street collection regulations are to be applied and where and how often an organisation may make a street collection in the Borough.

In particular, the policy aims to promote the following aims and objectives in reference to charitable collections:

- To have a clear, transparent and fair policy governing charitable collections in the Borough.
- To enable the Authority to effectively regulate all charitable collections.
- To ensure that collections are genuinely charitable/not-for-profit in nature.
- To avoid duplication with other statutory provisions and the Authority's commitment to work in partnership with other enforcement agencies.

3.1 Permitted Duration and Frequency of Collections

The Authority will restrict the frequency and period collections can take place in the Borough.

A collection can only run for a maximum period of one month (30 consecutive days). Only two collections are permitted annually in the Borough for each charity.

If an application is made for a period in excess of the maximum period permitted above, the application will be returned to the applicant as invalid.

An amended application can be submitted for reconsideration.

Part 2C - Direct Debits

Collections made by means of visits from house to house are governed by the House to House collections Act 1939 and the House to House collections Regulations 1947 (as amended). The legal definition of 'collection' is an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property. This means that any person or organisation who wish to do House to House direct debit fundraising will need to obtain a permit. The term 'house' also includes a place of business.

All other forms of direct debit collections are not regulated in law but the Authority has entered into an agreement with the Institute of Fundraising (IoF) to control all other direct debit collections in the Borough.

Under the agreement, the IoF is responsible for booking all collections in the Borough and dealing with all complaints received in respect of direct debit collections in the Borough.

Part 2 – Permission to obstruct the public highway

1.1 Introduction

This part of the policy sets out the framework for decision making and associated processes when administering applications relating to permission to obstruct the public highway.

This policy seeks to ensure the safety of all users of the public highway through the regulation of obstructions, which can be placed on the public highway or carriageway.

1.2 Legislation

Consent for objects to obstruct the public highway is controlled in accordance with the provisions contained in the Highways Act 1980.

1.3 Scope

This policy covers non-fixed or temporary objects that obstruct the footway or carriageway. It does not include objects placed on private forecourts or within trading pitches that are regulated by the Street Trading legislation.

The Authority has entered into agreement with Gloucestershire County Council to control obstructions placed on the highway in the Borough as defined by the agency agreement. Under this agreement, the Authority is empowered to control, amongst others, the provision of amenities on the highways as specified under Part VIIA of the Highways Act 1980.

Consent for certain objects/structures to be placed on the public highway remains the responsibility of Gloucestershire County Council such as skips and scaffolding and does therefore not fall within the scope of this policy.

1.4 Definitions of terms used in this Part

Highway:	A highway shall be understood to mean all roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance.
Object(s):	Includes any or all of the objects that is covered in the scope of this policy.
Consent:	Objects on the Highway Consent.
The Council or Authority:	The Borough Council of Cheltenham
Town Centre:	Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2020.

Town: The Borough of Cheltenham.

1.5 Licensing Process and Delegation of Functions

Permissions to obstruct the public highway will be administered in accordance with the Authority's scheme of delegation available on the Authority's website.

2. Application Procedure

2.1 Submitting an Application

An applicant for an initial new consent should give a minimum of at least 35 working days' notice of the application.

When an application is received, it is initially checked to see if all of the relevant information required is complete and all support documentation has been submitted.

Application forms:

- may be downloaded or made online from the Authority's website,
- are obtainable from the Authority's Licensing Section, or

Written applications should be marked for the attention of Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA.

The following will be required to be submitted with the application:

- (a) A completed and signed application form.
- (b) A scaled (1:1250) plan that shows where the proposed trading location relation to the extent of any or all boundaries of the nearby buildings, the width of footpath available, any permanent structures and, if applicable, the location of the pitch in relation to the edge of the road. The plan must include all measurements.
- (c) Colour photographs of the proposed object (where the proposed object has not been constructed or purchased, accurate and to scale detailed sketches must be supplied. If this information is not supplied the application will not be accepted.)
- (d) A non-refundable administration fee (see [current fee sheet](#)). If the consent is granted, the consent fee must be paid in full within 5 working days from the date the consent is granted. Failure to pay the remainder of the licence fee within the require timeframe, without prior agreement from the licensing section, will result in an invalid application.
- (e) Insurer's certificate with Public Liability Cover of no less than £5,000,000.

Applicants who submit an incomplete application will be contacted and informed of this and the application may be returned to the applicant for resubmission.

2.2 Determination of an Application

Applications for objects to be placed on the highway but that which do not comply with this policy (see "Conditions of Consent (page 21) & the "Revised Outdoor Advertising Protocol A at Appendix E") will normally be refused under the Authority's scheme of delegation unless exceptional circumstances exist. The onus will be on the applicant to make the case for exceptional circumstances.

2.2.1 Consultation

Before a consent is granted the Authority will carry out a consultation process for 28 days (starting on the working day after the application was made to the licensing section) with owners and/or occupiers of any premises appearing to the Authority to be likely to be materially affected and other agencies including (but not limited to):

- (a) Gloucestershire Highways
- (b) The Authority's Environmental Health Department
- (c) Gloucestershire Constabulary
- (d) Cheltenham Business Improvement District
- (e) The Authority's Built Environment Department
- (f) Any other person(s) or bodies the Authority deems relevant

Where valid objections have been made, the application may be referred to the authority's Licensing Committee for determination.

For information on the committee process, please refer to the Licensing Committee's adopted [probity guide](#).

2.2.2 Subsequent Applications

Consents are issued for a period of up to one year. Applicants should re-submit a subsequent application if they wish to continue to place the object on the highway at least one month before the expiry of their current consent.

3. Policy Principles, Aims and Objectives

This section outlines the policies the Authority will apply when making decisions on applications for consents.

In particular, this part of the policy will aim to promote the following aims and objectives:

- To have a clear, transparent and fair policy governing all decisions relating to objects placed on the highway.
- To enable the Authority to manage all objects placed on the highway to provide effective control measures.
- To ensure that all objects placed on the highway meet the required quality standards, pose no risk to public health, safety & protection and to ensure that these objects do not obstruct the highway.
- To avoid duplication with other statutory provisions and the Authority's commitment to work in partnership with other enforcement agencies.

3.2 Public Highway and Private Land

The Authority is responsible for regulating certain objects/structures that are placed on a public highway causing an obstruction.

At common law, a highway is defined to mean all roads, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, churchways, and pavements

over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance.

Where such uncertainty exists, the test whether an object/structure is placed on a highway (as opposed to private land) is whether there is a public right of passage where, at any time, members of the public can freely and at their will to pass and repass without let or hindrance, whether they do so or not is immaterial.

Therefore, if the proposed location is an area where any member of the public can pass over without hindrance, that area is likely to be considered highway and will for that reason fall within the Authority's remit and jurisdiction.

In light of the above and for the purpose of licensing under the Highways Act, it is also immaterial whether the particular location is designated as private on, for example, a lease, whether the particular highway is privately maintained or situated under an overhang etc.

The only exception would be areas where that particular location has been designated as private under the Highways Act and the appropriate signage is on display.

A highway can be maintained either at the expense of the taxpayer or privately. Where the highway in question is privately maintained, the Authority will not charge a consent fee although the non-refundable application fee will still apply.

Each situation will be determined on individual merits and this policy does not seek to provide an exhaustive list of areas and roads that are privately maintained public highway or private.

The licensing section has access to the county's highway register and can advise on the status of any highway.

3.3 'A' Boards

In setting the policy principles relating to 'A' boards, the Authority seeks to strike a balanced approach between promoting the Authority's priorities, in particular strengthening the Borough's economy by assisting and promoting local businesses but at the same time ensure the free passage along footpaths and maintaining the visual street environment by the controlled use of 'A' boards in the streets.

To this end the Authority will permit one 'A' board per premises subject to that premises meeting all of the conditions stipulated below and complies with the "Revised Outdoor Advertising Protocol A at Appendix [DE](#)".

Conditions of Consent

The Conditions of Consent is subject to the Revised Outdoor Advertising Protocol attached at **Appendix [DE](#)** of this policy.

- (a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
- (b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 meters (either way) between 'A' boards.

- (c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.
- (d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.
- (e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*
- (f) The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- (g) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*
- (h) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the 'A' board has been sufficiently weighed down and the Authority reserves the right to inspect the 'A' board prior to issuing a consent.)*
- (i) The 'A' board must relate to the trade of the premises.
- (j) The 'A' board must be constructed in such a way that it does not have any moving parts *(i.e. rotating or swinging 'A' boards)*.
- (k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

3.4 Tables and Chairs

The Authority wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Authority will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Pavement Licence

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a pavement licence under the Business and Planning Act 2020. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for the consumption of food or drink supplied from, or in connection with the use of the premises.

Please see our [Pavement Licensing policy](#) for further information. (Insert link when available)

Other tables and chairs

~~Any businesses that wishes to place tables and chairs outside of their business that does not fall into the above categories would need to apply for a Permission to obstruct the public highway, following the process in 2.1 above. Any furniture would also need to comply with the design guide.~~

~~Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.~~

~~Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.~~

~~For health and safety reasons, the Council will not permit glass top tables.~~

~~Where consent has been issued for tables and chairs to be placed on the highway the Authority may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers. This is subject to the provisions of this policy, that the additional objects have been listed on the application form and indicated on the supporting documents, where applicable.~~

~~The Authority requires a minimum of 1.8m (6ft) to remain obstructed measured between the edge of the pavement and edge of barriers.~~

3.6 Other Objects

Objects not specifically referenced in this policy will be dealt with on individual merits.

3.7 Goods Displayed on the Pavement

Certain traders, particularly grocers and florists, seek to put goods on display outside of their premises. This can enhance the vitality and vibrancy of the town, and is generally acceptable by virtue of Paragraph 1(2)(e)(ii), Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 provided that:

- (a) The object/structure is placed directly outside, and only directly outside, the front of the premises in question,
- (b) The goods on display forms part of the business of the premises;
- (c) The object/structure does not obstruct the highway,
- (d) The pavement is left clean and tidy after each close of trading.

4. Enforcement

The Authority will undertake enforcement action in relation to objects placed on, and obstructing, the highway in accordance with the principles set out in its [Corporate Enforcement Policy](#).

Specifically in relation to objects and structures placed on the highway without the Authority have removal powers under section 143 of the Highways Act 1980.

Under this section, the Authority will serve a removal notice on the person having control or possession of the structure to remove it within such time as may be specified in the notice. Should the person having control or possession of the structure fail to adhere to the notice, the Authority may take action to remove the structure and recover the expenses reasonably incurred in so. [The notice will last for a period of six months and](#)

monitoring will take place within this time, whereby any objects that are causing any obstruction can be removed.

The Authority may also seek to prosecute person(s) having control or possession of the structure where the circumstances deem~~s~~ this appropriate and in the public interest.

Appendix A – Street Collection Regulations

1. In these Regulations, unless the context otherwise requires –
 - “collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;
 - “promoter” means a person who causes others to act as collectors;
 - “the licensing Authority” means Cheltenham Borough Council;
 - “permit” means a permit for a collection;
 - “contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;
 - “collecting box” means a box or other receptacle for the reception of money from contributors.
2. No collection shall be made in any street or public place within Cheltenham, unless a promoter shall have obtained from the licensing Authority a permit.
3. Application for a permit shall be made in writing not later than 2 weeks before the date on which it is proposed to make the collection. The licensing Authority may reduce the period if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. No person may assist or take part in any collection without the written Authority of a promoter.

Any person authorised under the above paragraph shall produce such written Authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing Authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that the licensing Authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting –

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

The licensing Authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
12.
 - (1) Every collector shall carry a collecting box.
 - (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them from being opened without the seal being broken.
 - (3) All money received by a collector from contributions shall immediately be placed in a collecting box.
 - (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon, the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14.
 - (1) Subject to paragraph (2) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
 - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15.
 - (1) No payment shall be made to any collector.
 - (2) No payment shall be made out of the proceeds of a collection, whether directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing Authority.
16.
 - (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing Authority –
 - (a) a statement in the form set out in the Schedule of these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
 - (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the licensing Authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The licensing Authority may, if satisfied, there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (3) For the purposes of this Regulations "a qualified accountant" means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants of Scotland;
The Institute of Chartered Accountants in Ireland;
The Association of Certified Accountants.

- 17. These Regulations shall not apply –
 - (a) in respect of a collection taken at a meeting in the open air; or
 - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.
- 18. Any person who acts in contravention of any of these regulations, shall be liable on summary conviction to a fine not exceeding level 1, or in the case of a second or subsequent offence not exceeding level 2.

Appendix B – House to House Regulations

House to House Collections Act. 1939

House to House Collection Regulations, 1947

Responsibility of promoters as respects collectors

1. Every promoter of a collection shall exercise all due diligence to:
 - a) Secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - b) Secure compliance on the part of persons so authorised with the provisions of these regulations.

Certificates of Authority, badges, collecting boxes and receipt books

2. No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person:
 - a) A prescribed certificate of Authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - b) A prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection, and
 - c) If money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt contained therein in addition to the consecutive number of their receipt.
3. Every promoter of a collection shall exercise all due diligence to secure:
 - a) That no prescribed certificate of Authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it was issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - b) That every prescribed certificate of Authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
4. In the case of a collection in respect of which a licence has been granted:
 - a) Every prescribed certificate of Authority shall be given on a form obtained from Her Majesty's Stationery Officer, and every prescribed badge shall be so obtained; and
 - b) Every prescribed certificate of Authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto, in a manner approved by the licensing Authority for the area in respect of which the licence was granted.

Duties of collectors in relation to certificates and badges

5. Every collector shall:

- a) Sign his name on the prescribed certificate of Authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of the collection:
- b) Sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- c) Keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

Age Limit

6. No person under the age of 16 years shall act or be authorised to act as a collector of money.

Importuning

7. No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof

Collection of money

8. Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitted the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.

9. Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

Duty of collectors to return boxes and books

10. Every collector, to whom a collecting box or receipt book has been issued, shall:

- a) When the collecting box is full or the receipt book is exhausted, or
- b) Upon the demand of a promoter of the collection, or
- c) When he does not desire to act as a collector, or
- d) Upon the completion of the collection return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

Examination of boxes and books

11. Subject to the following paragraph, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.

12. Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.

13. As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.

14. Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

Provision for envelope collections

15. Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of the opinion that the collection is for a charitable purposes of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.

16. Where an envelope collection is made in accordance with this regulation:

- a) Every envelope used shall have a gummed flap by means of which it can be securely closed;
- b) No collector shall receive a contribution except in an envelope which has been so closed.

Promoters to furnish accounts

17. The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the licensing Authority by which the licence was granted within one month of the expiry of the licence.

18. The licensing Authority or the Secretary of State may extend the period within which an account is required to be furnished to the Authority or to him, as the case may be, if satisfied that there are special reasons for so doing.

Form and certification of accounts

19. The account required by the preceding regulation

- a) Where money has been collected, shall be furnished in the form prescribed by the Authority
- b) Where property has been collected and sold, shall be furnished in the form prescribed by the Authority

Disposal of disused certificates of Authority, etc

20. The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of Authority and prescribed badges obtained by him for the purposes of the collection are destroyed when not longer required in connection with that collection or in connection with a further collection which has been authorised to promote for the same purpose.

Appendix C – Conditions to Place Object(s) on the Highway

1. OBLIGATIONS ON THE PERMISSION HOLDER

The Permission Holder undertakes:

- 1.1 To ensure that the object(s) is not placed in any other area than that stated in this Permission.
- 1.2 Not to allow the object(s) to be placed on the highway outside the times and dates permitted by this Permission.
- 1.3 To ensure that the dimensions and appearance of the object(s) at all times accords with the details agreed by the Council upon the issue of this Permission.
- 1.4 To ensure that the object(s) does not at any time obstruct the passage of or cause danger to persons lawfully using the highway.
- 1.5 To ensure that the object(s) is at all times well maintained and kept in a clean and tidy condition.
- 1.6 To ensure that the object(s) is at all times sufficiently weighted so that they do not move or blow over in the wind.
- 1.7 To pay to the Council the cost of making good any damage caused to the highway in consequence of the Permission Holder's operations thereon.
- 1.8 To indemnify the Council from all claims, damages and costs in respect of all accidents damages and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability.
- 1.9 To observe all statutory and other provisions and regulations for the time being in force which relates to the placing of the object(s) on the highway.
- 1.10 To comply with any directions or requirements issued by a chief officer of the Council or any member of their staff so authorised.
- 1.11 To forthwith inform the Council in writing of the details of any transfer/disposal to another person of the business to which the object(s) relates.

2. FURTHER CONDITIONS

- 2.1 This Permission is not assignable.
- 2.2 The Council may at any time vary the conditions of this Permission.
- 2.3 Nothing contained in this Permission shall be deemed to be a consent or approval of the Council in its capacity as Authority for enforcing byelaws or as a local planning Authority, health or highway Authority or in any other capacity.
- 2.4 The Council may revoke or suspend this Permission at any time in the event of:
 - 2.4.1 The breach by the Permission Holder their servants or agents of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or
 - 2.4.2 Work being carried out in under or over the highway on which the object(s) is located; or

- 2.4.3 A change in Council Policy which necessitates termination of this Permission; or
- 2.4.4 Circumstances outside the Council's control which necessitate termination of this Permission forthwith.
- 2.5 The Permission Holder may surrender this Permission by giving notice in writing to the Council.
- 2.6 The Council shall be under no obligation to renew this Permission at the end of the period stated herein.
- 2.7 All licences must be displayed on the premises referred to in the consent or on the premises to which the consent relates.
- 2.8 The Council reserves the right to require objects and displays to be removed if at any time they are found to be inappropriate or necessary. This may happen if the Advertising board or display becomes;
- Unsightly or unsafe through poor maintenance
 - Inappropriate because of new developments in the vicinity
 - During events likely to result in significant increase in level of footfall
- 3. SPECIAL CONDITIONS RELATING TO MOBILE ADVERTISING**
- In addition to the above conditions, the following special conditions will apply to all mobile advertising structures:
- 3.1 A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary and a minimum distance of 4 meters (either way) between other boards.
- 3.2 The board must be sufficiently weighed down and not permanently fixed to the highway or any furniture on the highway;
- 3.3 The board does not contain any material or information that would prejudice the council or break any current legislation or contain any visual or written material that could be construed as inappropriate or offensive;
- 3.4 The type of board used is of an agreed type with the council;
- 3.5 The 'A' board must be constructed in such a way that it does not have any moving parts (i.e. rotating or swinging 'A' boards etc.);
- 3.6 The board must be of sufficient contrast to its surrounding area
- 3.7 The board must be of a construction that will cause minimal damage if there is a collision. There must be no sharp edges or protruding parts;
- 3.8 The board must, and must only, relate to the trade of the premises;
- 3.9 The board must not exceed the dimensions stipulated in the consent;
- 3.10 The board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises;
- 3.11 The board must not obstruct safe passage for all highway users, emergency or service vehicles or interfere with sight lines for any road users. (Breach of this condition will result in the board being removed immediately.)

Appendix D – Conditions of Permission to Place Tables & Chairs on the Highway

1. General matters

- 1.1 The fee for the granting of the Permission shall be paid in advance.
- 1.2 The tables and chairs shall at all times be well maintained and kept in a clean and tidy condition.
- 1.3 The tables and chairs shall not be placed in any other area than that stated in the Permission. They shall be placed in an area delineated by a suitable temporary barrier which is positioned to the satisfaction of the Assistant Director of Operations.
- 1.4 Furniture and temporary barriers shall be in accordance with the *Pavement tables and chairs design guide*.
- 1.5 The person to whom the Permission is granted shall ensure that the tables and chairs so far as reasonably practicable, and the persons using the tables and chairs, do not at any time obstruct the passage of or cause danger to persons lawfully using the highway on which they are situated.
- 1.6 The Permission may be suspended by the council at any time in the event of work being carried out in, under or over the highway on which the tables and chairs are situated or any adjacent highway.
- 1.7 The person to whom the Permission is granted shall indemnify the council against any costs, claims, actions or damages arising out of the placing of the tables and chairs on the highway.
- 1.8 The person to whom the Permission is granted shall bear absolute responsibility for ensuring that adequate public liability and products liability insurance is held in respect of the permitted area and the cover obtained shall be not less than £5,000,000, any one claim, in respect of public liability and not less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability. Evidence of such public liability and products liability insurance shall be provided to the satisfaction of the council before the Permission can be exercised.
- 1.9 The Permission is not assignable.
- 1.10 The council may at any time vary the Permission or conditions thereof.
- 1.11 If the person to whom the Permission is granted breaches any one or more of the conditions thereof, the council may serve a 'default' notice requiring the breach of conditions to be remedied in a particular way within a stated time and should it be necessary in order to remedy the default, the council may require the tables and chairs, temporary barriers and other furniture to be removed from the highway either temporarily or permanently.

~~1.12 (a) The person to whom the Permission is granted shall ensure that the tables and chairs and use thereof by members of the public are at all times supervised so as to avoid nuisance being occasioned to:-~~

- ~~(i) members of the public lawfully using the highway~~
- ~~(ii) local residents~~
- ~~(iii) other local businesses.~~

~~(b) The person to whom the Permission is granted shall ensure that glasses, crockery, napkins, cutlery and any other item placed upon the tables and chairs by the person to whom the Permission is granted or by any other persons, when the tables and chairs are in use, are removed from the tables and chairs when they are not in use.~~

~~1.13 The person to whom the Permission is granted shall not allow music to be broadcast on to the street.~~

~~1.14 The person to whom the Permission is granted shall ensure that customers consuming food or drink outside the premises do not move beyond the demarcated area.~~

~~1.15 It shall be the duty of the person to whom the Permission is granted to clean the section of the highway in respect of which Permission is granted to the specification of the Assistant Director Community Services.~~

~~1.16 The Permission does not authorise the holder to allow alcoholic drinks to be served or consumed at the tables and chairs. It is the responsibility of the person to whom the Permission is granted to check with the Licensing Justices that the liquor licence for the premises allows such activities to take place.~~

~~2. Design specification~~

~~2.1 Means of enclosure~~

~~2.1.1 When in use the pavement area will need to be enclosed, to demarcate the permitted area and contain the tables and chairs, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians.~~

~~2.1.2 The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.~~

~~2.1.3 The enclosure shall be removed outside the hours of operation or when it is not intended to operate on the pavement within that period. The materials should therefore be lightweight in construction and portable but stable enough to prevent collapse if accidentally walked/stumbled into.~~

~~2.1.4 The design of the barrier should complement the character of the surrounding area and in any event must have bars/elements at around 100mm and 1,000mm above ground level.~~

~~2.1.5 Planters can be particularly attractive and can be used as part of the means of enclosure but must be removed from the highway outside of the hours of operation.~~

~~2.1.6 Notwithstanding the contents of paras. 2.1.1—2.1.5 above the enclosure shall comply, in all respects, with the provisions of the council's design guide.~~

~~2.2 Furniture~~

~~2.2.1 The furniture should be of a high quality and uniform style within the permitted area. White plastic and/or picnic tables will not normally be approved.~~

~~2.2.2 Where umbrellas are used these must be fabric type (ie non reflective) and display only limited advertising or logos up to 150 x 450 mm in size. Umbrellas are to be positioned so as to avoid overhanging, outside the enclosure or impairing vehicle sight lines.~~

~~2.2.3 Non furniture items, eg menu boards, signs and portable gas heaters also need to be approved as part of the enclosed area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is seen to be causing a problem.~~

~~2.2.4 All items need to be portable enough to be brought in at the end of the permitted period of each working day or in the event of an emergency.~~

Appendix **DE** – Revised Outdoor Advertising Protocol

Where a licensing application is made to display an 'A' board within a Conservation Area, the Licensing Section shall provide written notification to the Built Environment Enforcement team. The notification should include an explanation for the signage and the location of the premises to which it refers.

No 'A' board will be approved within Conservation Areas except in the following circumstances; having regard to the position and location of the premises;

- a) where those premises are located at basement or first floor level i.e. the premises has no shop-front at street level,
- b) the premises are situated along a side alleyway and / or on private land which is not a public thorough fare / right of way.

Nothing in this protocol overrides requirements set out in the Council's policy on the licensing of 'A' boards so where an 'A' board meets the exemptions in the protocol, it will still be subject to the normal policy on the licensing of 'A' boards set out in the policy.

Where the premises meet the exceptions in the protocol then the Planning Enforcement and Compliance team will confirm to the Licensing Section that the 'A' board may be licensed.

Where contraventions exist the most appropriate enforcement action will be considered which would normally involve the use of licensing powers or powers contained within the Town and Country Planning (Control of Advertisements) Regulations 2007.

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Briefing Note

Committee name: Licensing Committee

Date: 6 September 2025

Responsible officer: Head of Public Protection

This note provides information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the officer indicated.

This briefing note updates the committee on a range of licensing related issues of significance and note.

Licensing taskforce report and Government response

The licensing taskforce is a joint group between government, industry, police and local government, to make recommendations to improve the Licensing Act 2003 framework. [The taskforce concluded on 16 May 2025](#) and provided government with 10 priority recommendations to consider.

A summary of the recommendations and Government's response

1. National Licensing Policy Framework

The government supports the creation of a National Licensing Policy Framework to improve consistency and transparency across local authorities. It recognises the value of a framework that provides clear national direction while preserving local discretion and intends to consult further on how best to align licensing with broader government priorities.

2. Licence 'Amnesty'

The government agrees that a licence 'amnesty' could help modernise and streamline existing licences. It sees merit in reviewing and removing outdated or disproportionate conditions, particularly those inherited from the original implementation of the Licensing Act 2003 and will explore how best to target premises where conditions no longer reflect current operations.

3. Longer Licensing Terms for Pavement Areas

The government is open to extending the duration of pavement licences to give businesses greater certainty and support long-term planning. It acknowledges the benefits of stability for recurring events and will consider this recommendation as part of wider licensing reforms.

4. Temporary Event Notice (TEN) Limits

The government recognises the need for greater flexibility in the use of temporary event notices. It will review current limits and explore options to make the system more responsive to the needs of operators, while maintaining safeguards for public safety and local communities.

5. Agent of Change Principle

The government supports strengthening the agent of change principle in licensing decisions. It agrees that established venues should be protected from the impact of new developments nearby and will consider how to embed this principle more consistently across licensing and planning systems.

6. Hospitality and Night-Time Economy Zones

The government is interested in exploring the creation of designated hospitality and night-time economy zones. It sees potential in supporting local authorities to develop vibrant, well-managed areas that promote economic growth and cultural activity.

7. Licence Length and Fees for Festivals

The government acknowledges the value of reviewing licence durations and fees for festivals. It recognises the importance of providing certainty for recurring events and supporting long-term investment and will consider this area further in future reforms.

8. Grandfathered Conditions Review

The government agrees that reviewing grandfathered conditions is a timely and necessary step. It supports efforts to ensure that licensing conditions reflect current operational realities and do not unnecessarily constrain businesses.

9. Licensing Data and Transparency

The government supports improving access to licensing data to enhance transparency and accountability. It will explore how better data sharing between authorities and stakeholders can support more effective decision-making and public engagement.

10. Licensing Training and Capacity Building

The government acknowledges the importance of training and capacity building for licensing officers and decision-makers. It will consider how to support local authorities in developing the skills and resources needed to implement licensing policy effectively and consistently.

Primate Licensing

[New regulations](#) and [statutory guidance](#) was issued by the Government for new licensing requirements relating to primates kept in captivity or as pets.

Compliance with the licensing requirements will be fully implemented in April 2026. From this date, the authority will be under a new duty to license and regulate the keeping of primates in the borough.

Officers are currently working to implement the requirements (including forms, licensing procedures, fees, inspections regimes and enforcement). Unfortunately, there has been a long delay by DEFRA in issuing the required statutory guidance.

However, officers expect to be in a position to publish the required information shortly (before September) and to undertake a public awareness campaign to inform the public about of the new licensing requirements.

Regulation of Cosmetic Treatments

The Government recently [announced](#) that it will be implementing a licensing regime for cosmetic treatments. Included in the Government's plans are:

- Only suitably qualified healthcare professionals will be able to deliver high-risk procedures such as Brazilian Butt Lifts.
- Clinics administering fillers and Botox will need to meet strict standards to obtain a licence.
- Kids to be protected from dangerous beauty trends on social media through plans for new age restrictions on treatments
- Robust measures will protect people and save the NHS time and money fixing botched procedures.

The Government confirmed that "Priority will be given to introducing regulations to restrict the highest risk procedures first – such as fillers injected into breasts and genitals."

It confirmed that a public consultation will be published early next year. This will seek views on the range of procedures which should be covered in the new restrictions.

Tabacco & Vapes Bill

This Bill includes provisions for introducing a new regime for "licensing of retail sales and the registration of retailers". The new Act will place a new licensing duty on local licensing authorities to administer and enforce the licensing of retail sales of tobacco, vapes and other products.

There are notable concerns about the impact of the Act amongst local licensing authorities due to the substantial and additional workload a licensing and enforcement regime will place.

Locally there a likely to be several hundred businesses that may require a licence. Officers are aware that there will likely be some form of transitional arrangements that will result in all these businesses submitting licensing applications to the council.

Coupled with this is there will also be a requirement to enforce the new licensing regime.

The Bill is nearing its final stages in the House of Lords and is expected to receive Royal Assent in the coming months. We await further information from Government departments on burdens funding, implementation timescales and guidance.

The concerns about the impact of the Act amongst local licensing authorities is being addressed via the Institute of Licensing back to the relevant Government departments.

Licensing of Support Housing

The Supported Housing (Regulatory Oversight) Act 2023 introduces new licensing requirements for supported housing providers in England, aiming to improve standards and protect vulnerable residents.

In February 2025, the Government [consulted](#) on its plans to introduce such a licensing scheme – again to be administered by local authorities. This authority responded to the consultation.

We are currently awaiting further information from the Government on this licensing scheme and the specific requirements and duties that will be placed on this authority.

Members will note that the bulk of this briefing note relates to new or additional licensing duties on the authority in the immediate to medium term. Officers continue to monitor these very closely, mindful of the potential significant impacts these will have on resources within the licensing and wider teams.

We will update the committee on further developments on this as necessary.

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