

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 1 October 2025

Meeting time: 4.00 pm - 5.15 pm

In attendance:

Councillors:

Dilys Barrell, Dr Steve Steinhardt and Simon Wheeler

Also in attendance:

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

1 Election of Chair

Councillor Wheeler was elected Chair of the committee.

2 Declarations of interest

There were none.

3 Determination of a New Application for a Premises Licence

The Licensing Officer introduced the report as published.

The responses to Member questions to the Licensing Officer were as follows:

- There are no other premises in the area that are open 24 hours – with Sainsburys and Tesco both being closed by 11pm.
- Sale of other goods is already permissible from the premises. There are no other 24 hour places in the local area.

The objector then had the opportunity to ask the Licensing Officer and the responses were as follows:

- The objector was informed that Tesco is not a 24 hour store.
- The decision that was before the committee had not yet been made, that was why the committee was taking place.

The applicant had no questions for the Licensing Officer.

The objectors were then given the opportunity to address the committee and made the following points:

- Lived in the area for 40 years and there has been an increase in noise and vandalism that comes from Tesco being open from 6am – 11pm.
- Tesco opening times mean that they only get 7 hours peace at the moment and if this application goes through then there will be no peace.
- There have been cases of littering and urination in the driveway and the fear is that this will increase if the shop does get extended hours to sell alcohol.
- Although the report says that alcohol will not be sold to intoxicated people the concern is that this will happen as you cannot always tell how intoxicated a person is.
- There was a concern with regard to customers visiting the shop throughout the night and slamming doors making noise.
- The lights that are there already are so bright that they shine into the bedroom, they look like floodlights.
- There was a concern that selling alcohol 24 hours will encourage drunk drivers.

The Licensing Officer stated that traffic is not a licensing concern but is a planning issue. It was confirmed that only noise relating to the sale of alcohol can be considered. It was also confirmed that light nuisance falls under the environmental protection department.

Members were then given the opportunity to ask the objectors questions, the responses were as follows:

- The objectors live directly opposite the premises.

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

- This is not the only shop in the UK that will ask for a 24 hour licence.
- He is trying to take the opportunity that the country has given him and make the most of the premises.
- He has a planning application in at the moment for the lighting.
- There will be no deliveries at night and there is parking at the back of the property so that should minimise noise.
- He is hoping to install speakers like a petrol station so that should minimise noise.
- The applicant has had a business for 13 years and has never served drunk people and has no intention of starting now.
- He is very proud of the business and what they do, he does not want to cause any unnecessary upset to the neighbouring residents.

The responses to Member questions to the applicant were as follows:

- There is limited parking at the site so that should reduce noise.
- There is always a member of staff on the premises.
- Only one person can be served at the hatch at any one time.

- There is no trained security guard on the premises.
- The applicant stated that he sees a 24 operation as an opportunity to expand and to see if it is actually worth expanding.
- He might not be open 24 hours all the time, maybe just when the festivals are on.
- By asking for an alcohol licence he is doing his best to please his customers who visit the shop after a night shift to buy groceries and also wish to add a bottle of wine to their purchases.

The applicant was then given the final right to reply, he made the following comments:

- He would appreciate the opportunity to expand the business.
- He wants to do something that will make him stand out from his competitors.
- He does not wish to make life difficult for the neighbours or other residents.
- He is just trying to do his best for his family and make a difference to their lives.

The Members then retired to make their decision as follows:

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

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

- The Licensing Act 2003 which confers 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, objectors and licensing officer before making its decision on the application.

In deciding the application, the Sub-Committee noted no objections had been raised by the responsible authorities but the Sub Committee did note the comment of Environmental Health that noise would be intrusive at night.

The council policy states that licensable activities carried on within the core hours of 09:00-23:00 will generally not have a harmful impact on the licensing objective, address the concerns raised by local residents.

The policy vision statement of the council is to promote the policy by having less focus on alcohol and protecting the quality of life of residents.

The business is not within the core business area and is in a purely residential area and the reason behind the application is money motivated and the Sub Committee does not see that as a good enough reason to deviate from its policy.

The Sub Committee therefore by a unanimous decision decided to reject the application as requested.

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.

The Sub committee wishes the applicant well in the new business and reminds him that he is permitted to open 24/7 but not to sell alcohol during the hours of 23:00 – 06:00

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

There were none.