

# **Cheltenham Borough Council**

## **Licensing Sub - Committee (Alcohol and Gambling) – 4 June 2025**

### **Licensing Act 2003: Determination of a New Application for a Premises Licence**

**Jebou- 25/00948/PRMA  
4 Montpellier Walk, Cheltenham, GL50 1SD**

#### **Report of the Licensing Officer**

##### **1. Introduction**

- 1.1 Part 3 of the Licensing Act 2003 (LA2003) allows an applicant to apply for a premises licence which, if granted, authorises the premises to be used for one or more licensable activities.
- 1.2 Where the application is made by an individual, they must be a person who ‘carries on, or proposes to carry on, a business which involves the use of the premises for the licensable activities to which the application relates’.
- 1.3 An application for a new premises licence was made by Mr Aaron Maximen on 14<sup>th</sup> May 2025. The application concerns 4 Montpellier Walk, Cheltenham, GL50 1SD, with a proposed trading name of Jebou.
- 1.4 The application is made for the following licensable activities:
- |                               |                   |               |
|-------------------------------|-------------------|---------------|
| Sale by retail of alcohol     | Monday – Thursday | 09:00 – 22:00 |
|                               | Friday – Saturday | 09:00 – 00:30 |
|                               | Sunday            | 09:00 – 22:00 |
| Performance of live music     | Monday – Thursday | 19:00 – 23:30 |
|                               | Friday – Saturday | 19:00 – 00:30 |
|                               | Sunday            | 19:00 – 22:00 |
| Performance of recorded music | Monday – Thursday | 09:00 – 23:30 |
|                               | Friday – Saturday | 09:00 – 01:00 |
|                               | Sunday            | 09:00 – 22:00 |
| Late night refreshment        | Monday – Thursday | 23:00 – 23:30 |
|                               | Friday – Saturday | 23:00 – 00:00 |
|                               | Sunday:           | N/A           |
- 1.5 During the consultation period for the application, relevant representations were received. The authority is required to hold a hearing; have regard to the representations; and take such steps as below as is considered appropriate for the promotion of the licensing objections.

1.6 The authority may:

- 1.6.1 **Grant the licence as applied for; or**
- 1.6.2 **Grant the licence subject to modified conditions considered appropriate for the promotion of the licensing objectives; or**
- 1.6.3 **Exclude from the scope of the licence any of the licensable activities to which the application relates; or**
- 1.6.4 **Refuse to specify a person in the licence as the premises supervisor; or**
- 1.6.5 **Reject the application.**

1.7 In determining the application, the authority must promote the licensing objectives, which are defined as follows in section 4(2) of the LA2003:

- 1.7.1 **The prevention of crime and disorder;**
- 1.7.2 **Public safety;**
- 1.7.3 **The prevention of public nuisance; and**
- 1.7.4 **The protection of children from harm.**

## 1.8 Implications

Legal

A sub committee is required to discharge its duty and determine an application with a view to promoting the licensing objectives as outlined in section 1.7 of the report.

The applicant has a right of appeal where the authority:

- a) Rejects an application for a premises licence; or
- b) Imposes conditions on the licence; or
- c) Excludes a licensable activity or refusal of specifying a person as a premises supervisor.

A person who made relevant representations has a right of appeal where they contend:

- a) The licence ought not to have been granted; or
- b) That, on granting the licence, the authority ought to have imposed different or additional conditions; or
- c) That, on granting the licence, the authority ought to have excluded a licensable activity or refused to specify a person as a premises supervisor.

In all circumstances, an appeal is made to the magistrates' court within a 21 days beginning with the day on which the appellant was notified of the decision of the authority.

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1.9 To aid Members in their determination, the following appendices are included with this report:

APPENDIX 1 – A copy of the original application.

APPENDIX 2 – A copy of the conditions agreed with Gloucestershire Constabulary.

APPENDIX 3 – A copy of the conditions proposed by Environmental Health, and the applicant's response.

APPENDIX 4 – A copy of the representations received during the consultation period.

APPENDIX 5 – A copy of the letter from the applicant in response to the objectors.

APPENDIX 6 – A copy of the summary from the applicant in response to the objectors.

APPENDIX 7 – A copy of the Q&A invitation from the applicant in response to the objectors.

APPENDIX 8 – A copy of the activities permitted by nearby premises licences referenced by objectors.

## **2. Application (Jebou - 25/00948/PRMA)**

- 2.1 Applicant: Mr Aaron Maximen
- 2.2 Agent: N/A
- 2.3 Premises: 4 Montpellier Walk, Cheltenham, Gloucestershire, GL50 1SD

## **3. Representations**

- 3.1 Relevant representations were received from both responsible authorities and other interested parties:

### **Responsible authorities**

- 3.2 Responses were received from both Gloucestershire Constabulary and Environmental Health.
- 3.3 A copy of the conditions proposed by Gloucestershire Constabulary which were accepted by the applicant are attached at Appendix 2 of this report.
- 3.4 Following receipt of objections from other interested parties, the applicant suggested a number of conditions which related to the prevention of public nuisance. These were passed to Environmental Health for agreement who suggested some amendments. Upon receipt of their suggestions, the applicant wished to amend these further, and they were returned to Environmental Health for comment. A copy of these conditions is available at Appendix 3 of this report.
- 3.5 These conditions which have been discussed are yet to be agreed with Environmental Health.

### **Interested parties**

- 3.6 A total of 14 representations were received over the course of the consultation period, 12 of which were confirmed to be objections. A copy of the representations is included within this report as Appendix 4.
- 3.7 Following receipt of the objections, the applicant provided a letter in response; summary of the application / amendments; and an invitation to a Q&A with the applicant. These documents are available as Appendices 5, 6, and 7 to this report.
- 3.8 These three documents, in addition to the police conditions, were circulated to all objectors for their consideration. Following receipt, one objection was withdrawn, leaving a total of 11 lodged.

## **4. Policy considerations**

- 4.1 Every five years, a licensing authority is required to determine and publish a policy with respect to the exercise of its licensing functions.
- 4.2 Members should familiarise themselves with Cheltenham Borough Council's *Licensing Policy Statement* in full, and [a copy is available online](#).
- 4.3 The policy seeks to outline the processes the authority will adopt in dealing with its functions under the LA2003, and does so in accordance with the following objectives:
  - a) *Promote the four licensing objectives;*
  - b) *Ensure that the premises are appropriate for their proposed use;*
  - c) *Ensure that 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.*

- 4.4 For reference, the policy vision statement is as follows:  
*We want Cheltenham to be a safe and clean town that offers a greater diversity in the nighttime economy that is less focused on alcohol and protects the quality of life for residents.*
- 4.5 The policy also seeks to promote the council's wider priorities, including 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.*
- 4.6 Whilst the policy should be used as the basis of consistent and transparent decision making, the overriding principle adopted by the authority is that each application must be determined on its own merits.
- 4.7 In doing so, Members must give equal importance to each of the four licensing objectives and should have regard to wider considerations affecting the area including littering, noise, street crime, and the capacity of infrastructure.
- 4.8 The applicant should be able to demonstrate compliance with all four of the licensing objectives. It was, however, concerns surrounding crime and disorder and public nuisance which were highlighted frequently by objectors.

### **Crime and disorder**

- 4.9 The applicant should be able to demonstrate they have addressed factors that impact on crime and disorder, including:
- a) *Underage drinking;*
  - b) *Drunkenness on premises;*
  - c) *Public drunkenness;*
  - d) *Drugs;*
  - e) *Violent behaviour; and / or*
  - f) *Anti-social behaviour*
- 4.10 Members should be confident the applicant has identified suitable and sufficient measures to deal with the factors outlined above.

### **Public safety**

- 4.11 The applicant must be able to satisfy the authority that members of the public, and their staff, will be safe when visiting and working at the premises.

### **Public nuisance**

- 4.12 Members can expect the applicant to outline the proposed steps to be taken to deal with the potential for public nuisance arising from the operation of the premises.
- 4.13 Applicants are expected to have included measures that:
- 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 alcohol 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.*

4.14 Members should be mindful that noises can be particularly intrusive at night when ambient noise levels are lower. It is the authority's role, accordingly, to maintain a balance between the aspirations of the applicant and the needs of residents, other businesses, workers, shoppers, and visitors always.

### **Protection of children from harm**

4.15 It is an offence to sell alcohol to children – here, defined as individuals under 18. Members should be confident the applicant has measures in place to protect children from harm when on the premises.

### **Core hours for licensable activities**

4.16 Whilst the council will avoid arbitrary restrictions on licensing hours that undermine the principles of flexibility and each application being determined on its own merits, it believes that licensable activities operating within certain core hours will generally not have a harmful impact on the licensing objectives.

<b>Type of premises</b>	<b>Commencement hour no earlier than</b>	<b>Terminal hour no later than</b>
Restaurants	10:00	01:00

4.17 The authority also recognises that alcohol led premises such as pubs, bars, and nightclubs, and off licences 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.

4.18 Regardless, earlier closing times will result in less alcohol consumption and drunkenness and would also be consistent with the ability to disperse crowds from the town centre.

4.19 The authority also recommends that, for those licensed premises that are neither nightclubs nor late night bars, that a latest admission time of half an hour before the terminal hour for licensable activities is appropriate. This too will encourage dispersal and assist with objectives to prevent public nuisance and crime and disorder.

## 5. National Guidance

- 5.1 A licensing authority 'must ... have regard to' any guidance issued by the Secretary of State under section 182 of the LA2003.
- 5.2 The guidance considers each of the licensing objectives in detail, highlighting that they are of equal importance and that their promotion should be a paramount consideration at all times.

### Crime and disorder

- 5.3 The authority should look to the police as the main source of advice on crime and disorder.
- 5.4 Where it is felt appropriate to impose conditions relating to the control of crime and disorder, they should be, by design, focussed on deterrence and prevention.
- 5.5 The presence of CCTV cameras, for example, can actively deter disorder, nuisance, anti-social behaviour and crime generally. The inclusion of radio links could also be considered an appropriate condition for those premises operating in town centre leisure areas to assist in facilitating a rapid response to any disorder.

### Public safety

- 5.6 Licence holders have a responsibility to ensure the safety of those using their premises. As outlined in section 2.9, considerations should include:
- *Fire safety;*
  - *Ensuring appropriate access for emergency services such as ambulances;*
  - *Good communication with local authorities and emergency services;*
  - *Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;*
  - *Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);*
  - *Ensuring appropriate and frequent waste disposal;*
  - *Ensuring appropriate limits on the maximum capacity of the premises; and*
  - *Considering the use of CCTV in and around the premises.*
- 5.7 Conditions related to public safety may also promote the crime and disorder objection highlighted above.

### Public nuisance

- 5.8 When considering public nuisance, the licensing authority and responsible authorities should focus on the effect of the licensable activities at the specific premises on persons living and working in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise, light, odour and litter.
- 5.9 Within the LA2003, public nuisance retains its broad common law meaning, rather than a statutory meaning as in other pieces of legislation.
- 5.10 Where applications have generated representations, any appropriate conditions should normally focus on the most sensitive time periods, such as the night and early morning when residents in adjacent properties may be attempting to sleep or are sleeping.

- 5.11 Conditions which are imposed with the intention of preventing public nuisance will usually concern the control of noise; this may be achieved by a simple measure, such as ensuring that doors and windows are kept closed after a certain time. They can, however, be more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts.
- 5.12 As always, conditions should be appropriate and proportionate, and should be tailored to the type, nature, and characteristics of the specific premises and its licensable activities.
- 5.13 Beyond the immediate area surrounding the premises, public nuisance is a matter for the personal responsibility of individuals under the law – if they choose to engage in anti-social behaviour, they are accountable in their own right. It would, however, be perfectly reasonable for the authority, following relevant representations, to impose conditions relating to the display of signs encouraging patrons to leave the area quietly, or that they smoke at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Protection of children from harm**

- 5.14 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes the harms associated directly with alcohol consumption, but also wider harms such as exposure to strong language and sexual expletives.
- 5.15 Licensing authorities and responsible authorities should expect applicants to set out the steps to be taken to protect children from harm.

### **Representations**

- 5.16 Where representations are made in respect of an application under the LA2003, they must be relevant, insofar as they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.
- 5.17 Where relevant representations are received from a responsible authority, they should be the authority's main source of advice in relation to a particular licensing objective.
- 5.18 Determination should take into account any relevant representations and must be considered on a case-by-case basis. It should be evidence-based and justified as being appropriate for the promotion of the licensing objectives and proportionate for what it is intended to achieve.
- 5.19 Where it is felt appropriate to attach conditions to a premises licence, the authority must be satisfied that they promote one of the four licensing objectives.
- 5.20 It may be that no additional conditions will be appropriate to promote the licensing objectives.
- 5.21 However, where the applicant has proposed conditions in their operating schedule, it is not acceptable for the licensing authority to simply replicate the wording from the operating schedule. A condition should be interpreted in accordance with the applicant's intention and be appropriate and proportionate for the promotion of the licensing objectives.

## **Regulated entertainment**

5.22 A number of deregulatory changes have amended the LA2003 since it first came into effect.

5.23 As a result of these changes, no licence permission is required for the following:

### **Live music**

- A performance of unamplified live music between 08:00 – 23:00 on any day, on any premises.
- A performance of amplified live music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

### **Recorded music**

- Any playing of recorded music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

5.24 In addition to the above, the performance of live or recorded music is not considered to be regulated entertainment under the LA2003 if it is 'incidental' to another activity 'which is not itself a description of entertainment falling with paragraph 2' of Schedule 1 to the LA2003.

5.25 Whether music is 'incidental' or not will depends on the facts of each case. Considerations could include:

- Whether the addition of music will create the potential to undermine the promotion of one or more of the licensing objectives.
- Whether the music is the main, or one of the main, reasons for people attending the premises or being charged.
- Whether the music is advertised as the main attraction.
- Whether the volume of the music disrupts or predominates over other activities, or if it could be described as 'background' music.

5.26 In any disputed case, it is for the authority, and ultimately the courts, to consider whether music is 'incidental'.

## **6. Licensing Comments**

6.1 Members must determine this application on its individual merits with a view to promoting the licensing objectives. These are:

The prevention of crime and disorder;  
Public safety;  
The prevention of public nuisance; and  
The protection of children from harm.

6.2 The consultation period attracted a total of 14 representations, 12 of which were objections. Once has since been withdrawn, leaving 11 objections in total. The main concerns raised within the representations related to crime and disorder and public nuisance.

6.3 A number of the representations reference the opening hours of nearby premises. For completeness, a copy of the permitted hours of licensable activities of these premises are included as Appendix 8 to this report.



- 6.4 In response to the representations, the applicant asked that a letter, summary, Q&A invite, and police conditions were circulated to the objectors. These are attached as Appendices 2, 5, 6, and 7.
- 6.5 It should be noted that the response to the objectors included a reduction in the hours applied for all licensable activities between Sunday – Thursday in comparison to the original application, and the applicant had stated they would wish for these hours to take effect regardless of whether the objections were withdrawn or not.
- 6.6 The applicant, in their response, also proposed a number of conditions related to the prevention of public nuisance. These were sent to Environmental Health to review who suggested some amendments were made. The applicant wished to make some further changes, and these were returned to Environmental Health for comment. As / when conditions are agreed with Environmental Health, the applicant also wishes for these to be circulated to objectors.
- 6.7 Though they are not yet agreed, a copy of the proposed conditions is available at Appendix 3 of this report. Responsible authorities should, however, try to conclude discussions with the applicant in good time before the hearing.
- 6.8 Members may wish to note that, regardless of any conditions eventually agreed with Environmental Health, the applicant has continued to stress that any music, be it live or recorded, will be at a background level. The Committee may wish to consider whether the provision of music, as described in this case, is either incidental or outside the scope of the circumstances in which entertainment activities are licensable.
- 6.9 In determining the application, the Committee must give weight to:
- The steps that are appropriate to promote the licensing objectives;
  - The representations (including supporting information) presented by all the parties;
  - S182 Guidance; and
  - Its own statement of licensing policy.
- 6.10 Each application must be considered on its own merits.

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**Background Papers****Service Records**

[Licensing Act 2003](#)

[Revised Guidance issued under section 182 of the Licensing Act 2003](#)

[Cheltenham Borough Council's Licensing Act 2003 Licensing Policy Statement](#)

**Report Author**

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**Appendix List**

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