

Cheltenham Borough Council

Licensing Sub - Committee (Alcohol and Gambling) – 28 August 2025

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

Cheltenham Tribute Festival - 25/01441/PRMA

Heli Field, Cheltenham Racecourse, Evesham Road, Cheltenham

Report of the Licensing Officer

1. Introduction

- 1.1 The Licensing Act 2003 (LA2003) allows an applicant to apply for a premises licence under Part 3 which, if granted, authorises the premises to be used for one or more licensable activities.
- 1.2 Where an 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 submitted by Mr Darren McClure on 8th July 2025. The application concerns the Cheltenham Tribute Festival, due to be held at Heli Field, Cheltenham Racecourse, Evesham Road, Cheltenham. The application was considered received in full on 11th July 2025.
- 1.4 The application is made for the following licensable activities on 30th August 2025 only:
- | | | |
|-------------------------------|----------|---------------|
| Supply of alcohol | Saturday | 12:00 – 23:00 |
| Performance of dance | Saturday | 12:00 – 23:00 |
| Performance of live music | Saturday | 12:00 – 23:00 |
| Performance of recorded music | Saturday | 12:00 – 23:00 |
- 1.5 The consultation period for the application ended on 12th August 2025. The was extended from the original end date of 8th August 2025 following an error observed on the site notices at the beginning of the consultation period.
- 1.6 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.

1.7 The authority may:

- 1.7.1 **Grant the licence as applied for; or**
- 1.7.2 **Grant the licence subject to modified conditions considered appropriate for the promotion of the licensing objectives; or**
- 1.7.3 **Exclude from the scope of the licence any of the licensable activities to which the application relates; or**
- 1.7.4 **Refuse to specify a person in the licence as the premises supervisor; or**
- 1.7.5 **Reject the application.**

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

- 1.8.1 **The prevention of crime and disorder;**
- 1.8.2 **Public safety;**
- 1.8.3 **The prevention of public nuisance; and**
- 1.8.4 **The protection of children from harm.**

1.9 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 1.8 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 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 final noise management plan for the event.

APPENDIX 4 – A copy of Environmental Health's final response and recommendation for the application.

APPENDIX 5 – A copy of the objection from Tewkesbury Borough Council Environmental Health.

APPENDIX 6 – A copy of the objection from Cheltenham Borough Council Health & Safety.

APPENDIX 7 – A copy of the representations from members of the public and Southam Parish Council.

2. Application (Cheltenham Tribute Festival - 25/01441/PRMA)

- 2.1 Applicant: Mr Darren McClure
- 2.2 Agent: N/A
- 2.3 Premises: Heli Field, Cheltenham Racecourse, Evesham Road, Cheltenham

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 Gloucestershire Constabulary has agreed a set of conditions with the applicant. These are attached at Appendix 2 of this report.
- 3.4 Environmental Health, early in the consultation period, submitted a representation in objection to the application in which it was recommended the application was refused.
- 3.5 Following discussions with the applicant across two Safety Advisory Groups (SAGs) and having reviewed the final noise management plan for the event (attached at Appendix 3 of this report), Environmental Health has confirmed it remains in objection to the application and is suggesting the committee should refuse the application.
- 3.6 A copy of the final response from Environmental Health is included as Appendix 4 of this report.

Interested parties

- 3.7 A further six representations were received from interested parties. This comprises five objections and one general comment.
- 3.8 Two of these comments were received from local authorities. Environmental Health at Tewkesbury Borough Council submitted an objection to the application in which they recommend refusal, and their comment is attached at Appendix 5 of this report.
- 3.9 Health & Safety at Cheltenham Borough Council also submitted an objection to the application. They have highlighted the objection will stand unless the applicant addresses the areas of concern they have raised. A copy of this objection is included as Appendix 6 to this report.
- 3.10 The final four representations comprised three objections from members of the public and one general representation from Southam Parish Council. A copy of these submissions are included at Appendix 7 of this report.

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.

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.

Protection of children from harm

4.15 Members must be satisfied that there are appropriate measures in place to protect children from harm.

4.16 It is an offence to sell alcohol to children; in this context, individuals under 18.

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.

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 eight representations, six of which were objections. The main concern raised within the representations related to public nuisance. Cheltenham Borough Council's Health & Safety did, however, highlight some issues in relation to public safety and the protection of children from harm.

6.3 Environmental Health at Cheltenham Borough Council should be considered the leading authority regarding the prevention of public nuisance in relation to this application.

6.4 An application for a new premises licence may be refused if this is appropriate for the promotion of the licensing objectives. Any decision taken by the committee, however, should be evidence-based and justified as being appropriate and proportionate.

6.5 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.

6.6 Each application must be considered on its own merits.

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](#)

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Appendix List

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