

Cheltenham Borough Council

Cabinet – 18 November 2025

Review of Statement of Licensing Policy (Licensing Act 2003)

Accountable member:

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

Accountable officer:

Michelle Bignell, Licensing and Public Protection Manager

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

Section 5 of the Licensing Act 2003 requires the Council to review, determine and publish its Licensing Act 2003 Policy Statement every five years.

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.

Consultation has been undertaken, and this report provides Cabinet with opportunity to consider the feedback, approve the revised policy, subject to any changes made, and recommend to Council adoption of the revised licensing statement.

Recommendations:

Cabinet is recommended to:

1. Note the consultation feedback and officer comments; and
2. Approve the revised licensing policy statement at Appendix 2; and
3. Recommend to Council adoption of the revised licensing policy statement.

1. Implications

1.1 Financial, Property and Asset implications

There are no financial implications arising from this report.

Signed off by: Ela Jankowska – Finance Business Partner **Date:** 27.10.2025

1.2 Legal implications

The Licensing Act 2003 came into force on 24 November 2005 and transferred the responsibility for licensing premises and persons selling alcohol from the courts to local authorities.

A requirement of the legislation is that all local authorities (or Licensing Authorities as they are known under the Act) must draft, consult on and publish a 'Statement of Licensing Policy'. The Statement of Licensing Policy must have regard to the content of a set of guidance notes published by the Secretary of State.

The Act requires each Council to review its Statement of Licensing Policy whenever necessary and, in any case, every five years.

Signed off by: One Legal, legalservices@onelegal.org.uk **Date:** 23.10.2025

1.3 Environmental and climate change implications

There are no associated climate/environmental implications from this report.

Signed off by: Maizy McCann, Climate Officer, Maizy.mccann@cheltenham.gov.uk **Date:** 29.10.2025

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

As outlined in Appendix 5 of this report.

1.6 Performance management – monitoring and review

Through normal service delivery.

2 Background

2.1 Section 5 of the Licensing Act 2003 ("2003 Act") requires the Council to review, determine and

publish its Licensing Act 2003 Policy Statement (“policy statement”) every five years.

2.2 The Council’s [current policy](#) was adopted in 2020 after a full consultation.

2.3 Statutory delegation states that it sits with Full Council to adopt the final policy.

3 The Licensing Act 2003

3.1 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.

3.2 The licensable activities listed above are authorised through the issue of:

- a) a premises licence; or
- b) a club premises certificate; or
- c) a temporary event notice.

3.3 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.

4 The Policy Statement

4.1 The draft proposed policy statement is attached at Appendix 2 of this report.

4.2 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.

4.3 The draft amended policy reflects changes in primary legislation, case law and national guidance. Changes to the policy also draw from the Council’s experience since the 2003 Act was implemented.

4.4 There is recognition that the trade in alcohol has benefits for the town particularly in relation to the economic contribution made through, for example, a vibrant and popular night-time economy that draws thousands of people on most nights and investment in the town by businesses selling alcohol.

4.5 This policy statement sits alongside the work that the ENTE (Evening and Night-Time Economy) working group is conducting and there is an aspiration to implement a Charter for businesses to sign up to demonstrating their commitment to providing safe spaces for all. This work also supports the work that we do to maintain our Purple Flag accreditation which recognises our thriving and safe town.

5 Policy amendments

5.1 Since the last statement of policy review, there have been no significant changes to the national statutory guidance, primary legislation or case law that would substantially affect the policy. Consequently, there are no significant changes proposed as part of this policy review.

5.2 Aside from general tidying up and general updates, the following notable changes are proposed:

- Additional information on personal licences and annual fees
- Women's safety and wider vulnerability section
- Inclusion of ENTE Charter and reference to Purple Flag accreditation

5.3 Before publishing, the document will be formatted in accordance with accessibility guidelines and the contents page updated.

6 Statutory Guidance (February 2025)

6.1 Section 4 of the 2003 Act states that, in carrying out its functions, the Council must 'have regard to' guidance issued by the Secretary of State under section 182.

6.2 The current guidance is referenced in the background information section of this report.

7 Consultation

7.1 Section 5(3) of the 2003 Act stipulates the statutory consultees the Council must consult with when determining its policy statement. These are the chief officer of police, the fire authority, the representatives of premises and personal licence holders and club registration certificates as it sees fit, and other persons that are seen to represent businesses and residents in the area.

7.2 A list of consultees is outlined in Appendix A of the revised policy.

7.3 During the consultation period, there were 7 responses. These are attached at Appendix 4 including officer response. The relevant policy changes have been incorporated in the revised draft policy document for approval and recommendation for adoption attached at Appendix 2.

8 Alternative options considered

8.1 The Council can resolve not to adopt the revised policy statement. However, this option would result in the Council failing to comply with its duty and function under the 2003 Act.

8.2 Alternatively, the Council can resolve to readopt its current policy without change but this is likely to result in the Council being unable to effectively discharge its licensing function under the 2003 Act.

9 Key risks

9.1 As outlined in Appendix 1.

Report author:

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Appendices:

- i. Risk Assessment
- ii. Draft policy for adoption
- iii. Review feedback
- iv. Equality Impact Assessment

Background information:

1. [Licensing Act 2003](#)

2. [Revised Guidance issued under section 182 of the Licensing Act 2003 \(February 2025\)](#)
3. [Cheltenham Borough Council's Licensing Act 2003 Licensing Policy Statement Approved by Council, 1 Dec 2020](#)

Appendix 1: Risk Assessment

[illegible]

