

# **Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes**

**Meeting date:** 5 March 2026

**Meeting time:** 18:00 – 21:00

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**In attendance:**

**Councillors:**

Tabi Joy, Julie Sankey and Dr David Willingham

**Also in attendance:**

Vikki Fennell (Senior Lawyer, One Legal) and Craig Daly (Licensing Officer), Jake Johnston (Senior Licensing Officer)

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## **1 Election of Chair**

Councillor Willingham was elected as Chair of the committee.

## **2 Apologies**

There were none.

## **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 responses to Member questions were as follows:

- There is nothing that the committee can do about parking, there has been nothing received from highways and they are the responsible authority, this would be a planning consideration not a licensing one.
- There were no breaches last year and any breach can be subject to a review. The Environmental Health officer confirmed that there were no breaches last year and if there had been they would have been dealt with in line with the Councils enforcement policy.
- Environmental Health officers will be at the festival for all 4 days throughout the evening and at night. Noise from the camping is not a licensing issue. The hope is that if there are any problems with the noise from the camp site the onsite security team will deal with it.
- There is a property on the border with the site that is being renovated, the people who are renovating are a family with children who are living on the site in a shepherds hut, there was concern that they will be disturbed, the property is on Southam Lane. Environmental Health officers confirmed that any nuisance complaint would be dealt with like any other and Southam Lane falls under Tewkesbury Borough Council so it would be them that the complaint would need to go to.
- One of the objectors stated that they thought the stage should be at the other end of the field.

One of the objectors asked the Licensing Officer to clarify the hours, they clarified that it is a 4 day festival and there was adjustment needed on the wording of the licence.

There were no questions for the Licensing Officer from the applicant.

The objectors were then asked to address the committee, their comments were as follows:

- From evidence gathered there were nuisance complaints in 2024. This included excessive and intrusive noise
- There were noise vibrations felt in people's houses.
- Residents could not enjoy their homes or gardens over the time of the festival.
- Noise travelled miles from the racecourse. It could even be heard in Woodmancote
- The increase in capacity and the proposed higher levels of noise are an unacceptable increase.
- The extension of the 4<sup>th</sup> day is likely to cause more upset to the local residents.
- It was suggested that moving the stage and enhanced noise monitoring would be a move forward.
- There was a worry that increasing the number of people will lead to wild camping in the area.
- The proposed increase in numbers will lead to more people in the area which will lead to more congestion.

- There has been no engagement with the Liberal MP for the area by the applicant
- There was a concern raised about the times that the festival has applied for.
- Even with the sound levels being set at 55 dbas on the Thursday the noise will be heard in his backyard and the noise travels.
- It was accepted that the noise levels were better last year,
- In his experience the noise levels will raise throughout the day.
- Artists will perform as close to the limit as they can.
- There was thanks given to the organisers and the teams at the Council for their efforts to reduce the impact on the community.
- There was further acknowledgement that the 2025 festival noise levels had been much better than the 2024 festival, although this could have been down to wind direction.
- In the application it refers to the sale of alcohol until 5 am, the festival states that it is a family festival, the sale of alcohol that late is not in line with it being a family festival.
- An increase in capacity of 50% seems large.
- With regard to the layout it looks like the stage has moved a lot closer to the residential areas not where it was in 2025.
- The layout should be changed and the stage and camping areas should be moved to non-residential areas.
- The organisers seem to want to benefit commercially and not pay heed to the nuisance.
- There was gratitude to the teams at both CBC and TBC for the plan that they have in place to monitor the noise levels.
- As the festival in 2025 was a better experience for residents the need for raising the sound levels risking further disturbance, noise intrusion and more complaints is not understood.
- Another objector spoke about his partners poor health and the degree of discomfort she faces every day, and his concerns with regard to the increased sound levels proposed and the distress it would cause.

The applicants solicitor then addressed the committee, and made the following points:

- The applicant has a different position to present. They are not here to be awkward, but to present their case, they will say things that don't align, the engagement with the community, their commitment to continue to engage, dialogues will continue come what may
- It is a legitimate application, the complaints are unfair.
- The comment that they have not engaged with the Liberal MP is false, they have engaged with him, the diary was challenging but a date has now been agreed
- The festival won best family festival of the year 2025, although there was acknowledgement that it might not be for every family.

- Environmental Health has submitted a comprehensive submission and they are the leading authority on noise, they are the guardians of the policy, the experts. The idea that they were not fulfilling their functions is not right
- Increasing capacity will not adversely affect the licensing objective.
- No one is saying any other objective is engaged. A stepped approach is being proposed and there was pre-app consultation with the responsible authorities before submission of the application
- One can infer from absence of a representation that there is positive affirmation that the application is legitimate. Absence a representation the application must be granted automatically
- Environmental Health have not raised any objections, in fact they have been positive in their support.
- Adding Thursday to the licence and the proposed noise amendments will not undermine the licensing objective. To say otherwise would be stating that the Council's own Environmental Health officer is wrong
- The suggestion that they had breached the licence was not true. They had received 15 complaints previously but they were not in breach and no limits were exceeded.
- 65 decibels is the national standard that protects public nuisance, the applicant stated that they do not want to cause public nuisance and they will monitor and supervise and control the noise.
- There should be no problem with wild camping as there will be plenty of camping on the site.
- They don't wish to cause a problem and noise on the camping site will be monitored.
- The sound management expert that worked on behalf of the festival had engaged with the both Councils Environmental Health teams. He monitored the events last year
- There was clarification that the stages are not moving.
- All 7 complaints that were made in 2025 were all investigated.
- The noise team employed by the festival will be on site at all times.
- The noise increase that they are asking for is only a modest increase.
- They will be trying to protect the community from any nuisance for the duration of the festival.
- The festival is modelled on the 2025 plan. The stage positions align with before, there will be increased monitoring following feedback, sound checks the day before and additional consultants for more mobile provision
- In relation to the 4 day point, this is contained in the Environmental Health submission, it is a 4 day event that does run into the Monday
- In relation to the what does 50 – 60 decibels look like, the applicant likened it to an open plan office or heavy rainfall. He stated that heavy rainfall is not public nuisance
- The application has also been considered and assessed by the Safety Advisory Group
- The applicant referred the committee to the National Guidance. A new paragraph was introduced last year which stated that there was a need to

promote growth and deliver economic benefits, and that committees are obliged to consider the national guidance. He stated that this application is offering them the opportunity to develop and grow, deliver to an exceptional standard, and that they are the award winning festival

- The test is what is likely to happen on the balance of probabilities. The licensing objective will be promoted and Environmental Health say it will be promoted and Tewkesbury Borough Council says the same The noise management expert for the applicant advised the committee that all noise monitoring and management procedures will remain for the foreseeable future and that they will work with the residents. It is a modest increase and they will be present onsite to 03:00 hours if not beyond and working in collaboration with the Environmental Health officers

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

- The additional sound checks that are going to be carried out will be 2 hours prior to the event, residents will be notified about this via a letter drop and it will also be publicised on social media.
- The original representation had changed from the December one as the applicant has decided not to go ahead with an additional camping field.
- Anyone under 6 should be encouraged to wear ear defenders, these can be purchased on site.
- They will work with the Parish Council to maintain a good working relationship.

The applicant was given the final right of reply where he stated that the relevant authorities have not objected to any part of the application and asked the committee to consider the application and grant the licence as requested.

The committee retired to debate and make their decision. When they returned the legal officer delivered the decision as follows:

## **DECISION**

At the hearing the Sub-Committee heard from the representative of the applicant, a number of other persons and the Environmental Health department for Cheltenham Borough Council who submitted a comprehensive report.

The other persons objections were raised under the licensing objective of public nuisance due to noise

No objections were received from any of the Responsible Authorities.

All relevant written submissions were considered.

## **Legal Matters**

The Sub-Committee had due regard to:-

1. The Human Rights Act in respect to an objection read out in relation to one individual
2. The Public Sector Equality Duty (PSED) which is engaged. The sub-committee considered this, the PSED does not require a specific outcome but the sub-committee is balancing a testimonial from one person against the applicant's stated noise management plan and the sub-committee notes the 2025 condition about low frequency noise.
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 sub-committee acknowledges there is concern from the objectors but a lot of this seems to be based on the 2024 event and not the 2025 when additional conditions were added in relation to the low frequency noise and met as a result of the review of the licence.

In terms of the evidence the sub-committee has seen evidence from two sets of experts, Environmental Health officers for Cheltenham Borough Council who are this council's officers and the sub-committee gave considerable weight to that representation and a similar one from Tewkesbury Borough Council Environmental Health officers who are fully supporting but are independent of Cheltenham and given they are the ones who would be picking up complaints from the Southam area if they had concerns one would have expected them to have objected.

The sub-committee's decision is to Grant the licence as applied for save for an additional condition, which was suggested by the applicant, that the applicant engages in ongoing dialogue with Southam Parish Council pre and post the event and keeps a record of communication with the Parish Council. The sub-committee wants residents of Southam to be informed beforehand of the event and know the procedure on how to provide feedback.

The sub-committee acknowledges the resident's concerns and their attendance in person. Some of the issues raised are not material licensing concerns and the sub-committee is therefore unable to take those into consideration.

The sub-committee acknowledges the resident's concerns in relation to the increase in the decibel number, the scale is logarithmic and noise management is a very technical profession, in the absence of an independent noise expert for the objectors the committee has to rely on its own experts, the Environmental Health officers, and their monitoring of the event.

In relation to the comments regarding parking on public highways, late night parties and wild camping these are not material to the sub-committee and cannot be taken into account

On balance the technical professionals have said it is unlikely to cause public nuisance. If noise is a problem then the fall back protections are the licence can be reviewed and both Environmental Health departments have their own enforcement powers irrespective of the licence.

This is a unanimous decision of the sub-committee

### **Appeal**

All parties are reminded that there are rights of appeal against the Licensing Authority's decision any 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.

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