



STROUD DISTRICT COUNCIL

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LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

PREMISES NAME	UPTON COFFEE HOUSE
PREMISES ADDRESS	35C CHURCHFIELD ROAD, UPTON ST LEONARDS, GLOUCESTERSHIRE, GL4 8BA
APPLICANT NAME/S	UPTON COFFEE HOUSE LIMITED
APPLICATION TYPE	APPLICATION FOR A PREMISES LICENCE
APPLICATION REFERENCE	25/00473/LAPRNW
DATE OF HEARING	4 JULY 2025
DATE OF DECISION	4 JULY 2025
DECISION	APPLICATION GRANTED WITH CONDITIONS

BACKGROUND

Upton Coffee House opened as a café over 12 months ago. It has capacity inside for 20 seated customers and there is an outside seating area with a capacity for 16 seated customers.

Stroud District Council ('the Council'), being the relevant Licensing Authority, received an application for a premises licence for sale of alcohol for consumption on the premises. The boundary of the premises includes the indoor and outdoor areas.

The times requested as follows:

Sale of alcohol:	Monday to Saturday	11:00 to 16:00
Opening hours:	Monday to Saturday	09:30 to 16:00
Non-standard timings:	No more than twice a month, for groups of no more than 25 persons, for events with pre-ticket sales.	Extend the end time for sale of alcohol and opening hours to 22:00

The application volunteered the following conditions:

- CCTV will be recording on the premises
- A proof of age scheme will be in place
- For evening events under the non-standard timings, entry only by tickets bought in advance of the event
- All empty glasses on outside tables or other outside areas will be removed as soon as finished by the customer.

The licensing officer's report suggested that if the licence were to be granted the following conditions could also be added:

- CCTV recordings will be retained for at least 30 days and be provided to the Police or Authorised Officers on request
- Challenge 25 Scheme will be adopted.

The Council received representations against the application from:

- Upton St Leonards Parish Council
- Four representation from residents of Upton St Leonards
- One representation signed 'Local Residents and Users of Upton St Leonards', with a petition signed by 105 persons. The petition signatures included a mixture of residents with addresses in Upton St Leonards and adjoining areas, such as Abbeymead and Abbeydale.

HEARING

The Panel comprised of Councillor Martin Brown (Chair), Councillor Steve Robinson, and Councillor Paul Turner.

The Applicant was represented by Jodean O'Malley (Director of Upton Coffee House Limited). Ms O'Malley's sister, Fay Peart, was also present to support Ms O'Malley.

The Licensing Manager took the Panel through her report and confirmed the application is a new application for the sale of alcohol for consumption on the premises.

The Licensing Manager confirmed that representations against the application had been received. The concerns raised were around the sale of alcohol, especially during evening hours, leading to a risk of an increase in anti-social behaviour and public disorder. In addition, there were concerns about potential noise disturbance from persons consuming alcohol in the outside area and a disruption when customers leave the premises.

The Licensing Manager noted that some of the points raised in the representations are unlikely to be relevant under the Licensing Objectives of the Licensing Act 2003. These include car parking spaces in the village and moral concerns about children witnessing alcohol consumption.

The Licensing Manager confirmed that, although none of the parties making representations against the application were able to attend the hearing, the Panel had read all of the representations very carefully and would take them into consideration when making their decision.

APPLICANT'S REPRESENTATIONS

Ms O'Malley explained that she has a strong family connection with Upton St Leonards and that her intention is only to add to the village's community spirit. She stated she would not want to do anything which made the area unpleasant and only wants what is best for the village.

In addition, Ms O'Malley's family owns the row of buildings that the premises is situated in. There are also tenants living in flats above the premises. Ms O'Malley stated that she had a duty to those occupiers to ensure there are no issues with the café.

Ms O'Malley stated that there is no plan to turn the café into a pub venue or for it to have the feeling of a pub. Instead, the focus would be on pre-ticketed events, such as Valentine's Day, Mother's Day and clairvoyant evenings. With regards to the non-standard hours events, these would only be attended by people who had bought a ticket previously. Food would be sold with the alcohol. Examples given were offering a cheese board with a glass of wine, or an afternoon tea with a glass of prosecco.

Ms O'Malley stated that the intention would be to close the café at 4pm and then re-open at 7pm. At this time of evening, the neighbouring businesses are closed so the car park is not a problem.

Ms O'Malley stated that the premises would never be open past 22:00. When asked about the non-standard timings requested hours being to 22:00, which is the same as the closing time, Ms O'Malley explained that last orders would be 21:30. She agreed to limiting the sale of alcohol to end at 21:30.

The café has previously held an evening pre-ticketed event under a temporary events notice (TEN) and Ms O'Malley stated that there were no problems or complaints raised.

Ms O'Malley stated that the café would train staff appropriately, taking courses under the Challenge 25 scheme and stopping serving intoxicated customers.

The Panel queried concerns around noise, in particular any amplified music being played outside. Ms O'Malley stated that there would be no music played in the outside seating area. At most, there would be quiet background music inside.

DECISION

The Panel had due regard to:

1. The provisions of the Licensing Act 2003 which confer the powers of the Licensing Authority to deal with the application;

2. The obligation to promote the four licensing objectives as set out in Section 4(2) of the Licensing Act 2003; and
3. The relevant sections of the Council's Statement of Licensing Policy and Statutory Guidance.

The Panel 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 Panel cannot take into account Representations which do not relate to one or more of those licensing objectives, and acknowledged that any Representations which are received must be relevant and evidenced-based. Any irrelevant representations are disregarded.

The Panel considered all of the relevant representations received from local residents and the Parish Council and noted the concerns that have been raised. The Panel noted the explanations given by the Applicant in terms of what is planned for the café.

The Panel are satisfied that the licensing objectives have been met by the Application and therefore determined to **GRANT** the application. This is subject to:

- the conditions set out in the application
- the volunteered conditions in relation to CCTV recordings and the adoption of a Challenge 25 scheme
- the volunteered condition that during non-standard times, the end time for sale of alcohol be amended to 21:30.

The full list of activities with timings granted and conditions to be added to the licence are shown in schedule 1

As this is a new application, in accordance with the live music exemption, the Panel are not able to endorse the volunteered condition limiting the playing of amplified in the outside area. The Panel do, however, note the assurances provided by the Applicant that there was no intention to play music outside.

APPEAL

All parties were reminded of their rights 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.

REVIEW

All parties are reminded of the procedures contained within the Licensing Act 2003 relating to the potential review of a premises licence.

This provision allows the public, businesses or Responsible Authorities to apply for a review of a premises licence where problems arise, such as: crime and disorder, risks to public safety, public nuisance or failure to protect children from harm.

The Licensing Authority respectfully reminds all parties that for any review to be successful in restricting a licence, evidence would need to be collected of incidents occurring that demonstrated that the licensing objectives were not being adequately promoted. The Council's Environmental Health Service can be contacted out of hours to report complaints of excessive noise nuisance.

Schedule 1

Permitted Activities and Timings

Sale of alcohol:	Monday to Saturday	11:00 to 16:00
Opening hours:	Monday to Saturday	09:30 to 16:00
Non-standard timings:	No more than twice a month, for groups of no more than 25 persons, for events with pre-ticket sales.	Extend the end time for sale of alcohol to 21:30 and opening hours to 22:00

Conditions to be attached to the licence in addition to the standard mandatory conditions

- CCTV will be operating when the premises are open and recordings will be retained for at least 30 days and be provided to the Police or Authorised Officers on request
- Challenge 25 Scheme will be adopted.
- For evening events under the non-standard timings, entry is only by tickets bought in advance of the event
- All empty glasses on outside tables or other outside areas will be removed as soon as finished by the customer.