STROUD DISTRICT COUNCIL

Community and Licensing Committee
Licensing Hearing Panel
Hearing Date - 15th October 2026 - Adjourned
New Hearing Date 6th November 2026

Title of Report	Stone Garage, Stone, Berkeley, GL13 9LA Application Reference - 26/00936/LAPRNW
Purpose of Report	To consider representation regarding an application for a new premises licence
Decision(s)	Having considered the application and the representations the Hearing Panel may take the following actions: • Refuse the application for a premises licence • Grant the application in the terms applied for • Grant the application with conditions or amendments If the Hearing Panel decides to attach conditions to the Premises Licence, those conditions must be appropriate to promote the Act's objectives and proportionate to the type of premises.
Report Author	Rachel Andrew Email: rachel.andrew@stroud.gov.uk
Appendices	Appendix A – Application Form Appendix B – Application Plan Appendix C - Representations
Supporting Documentation	Stroud District Council Statement of Licensing Policy Guidance Issued Under Section 182 of Licensing Act 2003 Licensing Act 2003

1. The Application:

1.1 This application is for a new premises licence under the Licensing Act 2003.

1.2 The applicant is Deansbrook Garages Limited

1.3 The application is for the following licensable activities:

- Sale of alcohol for consumption off the premises - Every Day 00:00 to 24:00 (24 hours)
- Late Night Refreshment - Every Day 23:00 to 05:00 (Refreshment is only licensable between the hours of 23:00 and 05:00)
- Opening Hours: Every Day 00:00 to 24:00 – (24 hours)

1.4 The proposed designated premises supervisor is Seevaratnam Muresh

1.5 The applicant has stated in the application that there will be no consumption of alcohol, or hot food and/or drink, on the premises, and that there is to be no inside seating provided.

1.6 The application form is appendix A, and the application plan is appendix B.

2. Volunteered Conditions:

2.1 The applicant has laid out in the operating schedule section of the application form how they intend to operate the premises. The following volunteered conditions are ones lifted from the operating schedule which are enforceable and can be added to the premises licence if granted:

a. All relevant staff shall receive appropriate training and refresher training. A written or electronic record of staff training shall be maintained and made available for inspection by an authorised Officer of the Licensing Authority or Police upon reasonable request.

b. A digital CCTV system shall be installed and maintained in effective working order at the premises. The CCTV shall operate at all times the premises are open to the public and shall provide coverage of:

- all public areas within the convenience store
- the entrance and exit
- the alcohol display area
- the till payment area and
- the till the petrol forecourt where reasonably practicable.

The CCTV to be of sufficient quality to enable identification of persons and shall be retained for a minimum period of 31 days. At all times the premises are open to the public there shall be a member of staff present who is able to operate the CCTV system and download recordings.

c. Between 23:00 and 06:00 a minimum of two staff shall be on duty at the premises whenever the premises are open to customers.

d. An incident log shall be maintained at the premises. It shall record

- Incidents of crime and disorder
- Incidents of anti-social behaviour
- Refusals of alcohol sales
- Persons refused entry or asked to leave
- Occasions where police are called
- Complaints relating to operation of the premises
- Any significant malfunction of the CCTV system

The incident log shall be retained at the premises and made available to an authorised officer of the Licensing Authority or Police upon reasonable request.

e. Alcohol purchased from the premises shall not be consumed anywhere within the petrol forecourt or other external areas forming part on the licensed premises

f. Prominent notices shall be displayed advising customers that consumption of alcohol on the forecourt is prohibited.

g. Notices shall be prominently displayed at the exit requesting customers to leave the premises and surrounding area quietly and to have consideration for neighbour residents

h. No waste glass or bottles shall be emptied into external receptables between 23:00 and 7:00.

3. Representations

3.1 Responsible Authorities These are agencies prescribed in the Licensing Act 2003 who receive copies of all applications and can make representation. They include the Police and the Environmental Protection Team. Appendix C of Stroud District Council's Statement of Licensing Act lists all the responsible authorities.

There are no representations about this application from any responsible authorities.

3.2 Other Parties These are any other individual, body or business.

There have been 7 relevant representations against the application that link to the licensing objectives of crime and disorder and public nuisance. 6 are from residents and 1 is from the local parish council.

There is 1 representation in support of the application

3.4 The representations are Appendix C

4. Policy and Legal Considerations

Garages

4.1 The panel are advised that under the provisions of Section 176(1) of The Licensing Act 2003,
"no premises licence has the effect to authorise the sale by retail or supply of alcohol on or from any excluded premises. In this section "excluded premises' includes premises used primarily as a garage or which form part of premises which are primarily so used. For the purposes of this section premises are used as a garage if they are used for one or more of the following, the retailing of petrol, the retailing of derv, the sale of motor vehicles, or the maintenance of motor vehicles".

4.2 The panel will therefore initially need to determine whether they are satisfied that these proposed premises are not or do not form part of premises that are primarily used as a garage.

4.3 The panel are advised that the Section 182 Guidance issued under The Licensing Act 2003 gives some guidance on garages and motorway services areas. At paragraph 5.23 it states " it is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application". Sections 17(3) and (4) of the Licensing Act 2003 relate to the application form, plan and any supporting documents.

4.4 The High Court has established that it is up to the licensing authority to decide how to evaluate primary use, whether through customer footfall, volume of transactions, or evidence of turnover. There is no rigid statutory formula, and examining turnover or customer numbers is entirely proper. R (on the application of) Murco Petroleum Limited v Bristol City Council [2010].

Representations

4.5 Stroud District Council's Statement of Licensing Policy aims to give guidance to applicants, licence holders and responsible authorities, residents and businesses. In particular it gives guidance on how the Council will make decisions in cases where there has been relevant representation against an application.

4.6 Paragraph 11:10 clarifies that "Representations opposing the application, or premises, must relate to one or more of the Licensing Objectives and the impact or potential impact of the licensable activities at the relevant premises."

4.7 In accordance with the legislation representations must not be vexatious, repetitive or frivolous.

Licensing Objectives

4.8 Paragraph 1.8 of Stroud District Council's Statement of Licensing Policy says "the Council will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Licensing Act 2003, which are as follows:

a) Prevention of crime and disorder
b) Prevention of public nuisance
c) Public safety
d) Protection of children"

4.9 Section 2 of Stroud District Council's Statement of Licensing Policy covers crime and disorder. Paragraph 2.1 states "The Council places considerable importance on the prevention of crime and disorder and will fulfil its duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the district".

4.10 Section 4 of Stroud District Council's Statement of Licensing Policy covers prevention of public nuisance. Paragraph 4.1 states "Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on communities and people living, working or sleeping in the vicinity of the premises." Paragraph 4.2 states "In relation to "the prevention of public nuisance" the Council will seek to minimise the extent to which residents are disturbed late at night and seek to protect the amenity of residents and businesses in the vicinity of licensed premises."

4.11 Section 8 of Stroud District Council's Statement of Licensing Policy covers Licensing Hours Paragraph 8.2 states "The Council will have a flexible approach to opening hours and will deal with the issue of licensing hours having due regard to the individual merits of each application, taking into account requests for terminal hours in the light of the:

- environmental quality;
- residential amenity;
- character or function of a particular area; and
- nature of the proposed activities to be carried on and provided at the premises."

4.12 Statutory Guidance has been issued under Section 182 of The Licensing Act 2003.

Paragraph 2.20 of the Guidance states "The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."

Paragraph 2.21 of the Guidance states "Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health."

Paragraph 2.23 of the Guidance states "As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate."

5. The Hearing

5.1 The Hearing Panel should seek to focus on concerns and comments raised in the representations that are relevant to the licensing objectives and within the scope of the Licensing Act 2003.

5.2 The Hearing Panel may, with the consent of all parties to the hearing, allow the introduction of additional evidence at the hearing that supports or amplifies the existing representation or the application. However, the introduction of further representations to those disclosed to the applicant prior to the hearing will not be allowed.

6. Implications

6.1 Financial Implications

6.2 There are unlikely to be any financial implications for the council as licensing authority at this time.

Lucy Clothier, Strategic Head of Finance (S151 Officer)
Email: lucy.clothier@stroud.gov.uk

6.3 Legal Implications

6.4 A hearing panel is required to discharge its duty and determine an application with a view to promoting the licensing objectives as outlined in section 4 of the report.

The hearing must comply with the Licensing Act 2003 (Hearings) Regulations 2005 and the requirements of procedural fairness.

The hearing panel should ensure that all parties are given a fair opportunity to present their case and that its decision is based upon relevant considerations and evidence. The reasons for the decision should be clearly recorded.

The hearing panel should ensure that its decision and reasons clearly identify the evidence considered in relation to primary use and the conclusions reached on that evidence.

6.5 Appeal

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 a 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.

Contact officer: One Legal

E-mail: legalservices@onelegal.org.uk Tel no: 01684 272203