

STONE GARAGE, STONE, BERKELEY - WRITTEN SUBMISSIONS

STROUD DISTRICT COUNCIL

LICENSING ACT 2003

APPLICATION FOR A NEW PREMISES LICENCE

Premises	Stone Garage, Stone, Berkeley, Gloucestershire, GL13 9LA
Applicant	Deansbrook Garages Limited
Reference	26/00936/LAPRNW
Hearing	Thursday 15 October 2026 at 12:30
Venue	Council Chamber, Stroud District Council Offices, Ebley Mill, Ebley Wharf, Stroud, GL5 4UB

WRITTEN SUBMISSIONS ON BEHALF OF THE APPLICANT

Prepared by SG Licensing Ltd

1. Introduction

- 1.** These submissions are made on behalf of Deansbrook Garages Limited in support of its application for a new premises licence in respect of Stone Garage, Stone, Berkeley.
- 2.** The application is for a 24-hour convenience retail store operating from a forecourt site. It seeks the sale of alcohol for consumption off the premises only, 24 hours a day, seven days a week, together with late-night refreshment from 23:00 to 05:00 daily. The premises are proposed to remain open to the public for 24 hours.
- 3.** The late-night refreshment activity is to take place inside the store, for consumption off the premises, and no internal seating is proposed for that activity.

4. Relevant representations have been received from local residents and Ham and Stone Parish Council. The Applicant has carefully considered those representations and recognises the genuine concern expressed about the proposed overnight operation.

5. The Applicant's position is that the licensing objectives can be properly promoted by the extensive safeguards already offered within the operating schedule, together with the additional targeted conditions volunteered in these submissions. The Applicant therefore respectfully invites the Sub-Committee to grant the application as sought, subject to those conditions.

2. The statutory and policy framework

6. Under section 18(3) of the Licensing Act 2003, where relevant representations have been made, the Licensing Authority must have regard to those representations and take such steps, if any, as it considers appropriate for the promotion of the licensing objectives.

7. The four licensing objectives are the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. They are the statutory focus of this hearing.

8. The current Home Office Guidance issued under section 182 states that each application must be considered on its own merits and that conditions must be tailored to the individual type, location and characteristics of the premises. Conditions should be appropriate, precise, enforceable, proportionate and capable of being met.

9. The Guidance further states at paragraph 10.15 that shops, stores and supermarkets should normally be free to provide off-sales of alcohol at any times when the retail outlet is open for shopping, unless there are good reasons, based on the licensing objectives, for restricting those hours.

10. Stroud District Council's Statement of Licensing Policy 2026-2031 adopts the same individualised approach. Paragraph 8.2 provides for a flexible approach to opening hours, having regard to the individual merits of each application, including residential amenity, environmental quality, the character or function of the area, and the nature of the proposed activities.

11. Paragraph 8.3 of the Council's Policy provides that the Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they are open for shopping purposes. It recognises that restrictions may be appropriate where there are good reasons for them, for example where police representations concern an isolated shop known to be a focus of disorder or public nuisance.

12. The Applicant respectfully submits that the correct question is therefore not whether a 24-hour convenience store is considered desirable in principle, but whether this particular premises, operated in the manner proposed and subject to appropriate conditions, can promote the four licensing objectives.

3. The nature of the proposed operation

13. This application is not for a public house, bar, nightclub or late-night entertainment venue. There are no on-sales of alcohol, no drinking area, no regulated entertainment and no customer seating associated with the late-night refreshment operation.

14. The premises are fundamentally a convenience retail store. Customers will enter, purchase goods and leave. There is no business model or facility designed to encourage customers to remain at the premises.

15. Alcohol purchased from the premises will expressly be prohibited from being consumed anywhere on the petrol forecourt or other external areas forming part of the licensed premises, and prominent notices will advise customers accordingly.

4. The operating schedule already provides substantial safeguards

16. The Applicant has not sought 24-hour alcohol sales without controls. The operating schedule contains a substantial package of measures intended specifically to promote the licensing objectives.

17. No member of staff will be permitted to sell alcohol until appropriately trained in the Licensing Act 2003 and the licensing objectives, licence conditions, Challenge 25, acceptable forms of identification, prevention of proxy purchasing, refusal of sales to intoxicated persons, dealing with confrontational customers, incident and refusal recording, and CCTV operation where appropriate. Refresher training will be provided and training records retained.

18. A digital CCTV system will operate whenever the premises are open to the public. It will cover all public areas within the convenience store, the entrance and exit, the alcohol display area, the till/payment area and the forecourt so far as reasonably practicable.

Recordings will be retained for a minimum of 31 days.

19. At all times that the premises are open, a member of staff will be present who can operate the CCTV system and download recordings for an authorised officer or the Police.

20. Of particular relevance to overnight operation, between 23:00 and 06:00 a minimum of two members of staff will be on duty whenever the premises are open to customers.

21. An incident log will record incidents of crime and disorder, antisocial behaviour, alcohol refusals, persons refused entry or asked to leave, occasions when the Police are called, complaints concerning the operation and significant CCTV malfunctions.

22. Staff will refuse alcohol where they reasonably believe the sale would be contrary to the Licensing Act 2003, including sales to intoxicated persons or suspected proxy purchasers. Persons behaving in a threatening, abusive, disorderly or seriously antisocial manner will be refused service and, where appropriate, required to leave.

23. The premises will operate Challenge 25, together with an appropriate refusals register, and notices requesting customers to leave quietly. Staff will monitor the immediate vicinity and take reasonable steps where customers associated with the premises are causing unreasonable noise or disturbance.

24. No waste glass or bottles will be emptied into external receptacles between 23:00 and 07:00 where that activity is likely to cause disturbance to nearby residents.

25. The Sub-Committee is respectfully invited to assess the application with those safeguards in place, rather than as an uncontrolled 24-hour alcohol outlet.

5. The representations

26. The principal concerns raised by residents and the Parish Council can fairly be summarised as: additional vehicle movements and vehicle noise; customers congregating; use of the adjoining lay-by; litter; antisocial behaviour; possible crime and disorder; disturbance to neighbouring residents; road safety; overnight lorry activity; and the rural character of Stone.

27. Those are matters the Applicant takes seriously. However, many of the consequences described are necessarily predictions about what may occur in the future. The representations refer, for example, to the premises potentially attracting persons from outside the village, becoming a meeting place, increasing antisocial behaviour, creating litter or vandalism, and causing a spike in crime.

28. The Applicant does not suggest that a licensing authority must wait until harm has actually occurred before acting. The licensing regime is preventative. Nevertheless, any restriction should have a rational connection to an identified licensing risk and should be no more onerous than is appropriate to address that risk.

29. There is no adverse operating history before the Sub-Committee showing that this Applicant or this premises has caused late-night disorder, underage sales, street drinking, repeated nuisance, violence or vandalism. The Applicant submits that targeted management controls and conditions are therefore the proportionate response to the risks identified.

6. The Parish Council's representation

30. Ham and Stone Parish Council states that the majority of residents, together with the Parish Council, are supportive of a refreshment and off-sales facility until approximately 22:00 or 23:00 and regard it as a useful community amenity. Its objection is directed principally to the overnight element.

31. That is important because it demonstrates that this is not a case in which the premises are said to be inherently unsuitable for licensed retail. The issue is whether the risks after 22:00 or 23:00 can be satisfactorily controlled.

32. The Applicant submits that they can, through the existing operating schedule and the additional conditions offered below, without removing the overnight alcohol hours altogether.

7. The adjoining lay-by

33. The representations place particular emphasis on the adjoining lay-by. The Parish Council describes an existing situation in which lorries park overnight, drivers use the adjoining ditch as a toilet and litter is already present.

34. The Applicant understands why those matters concern residents, but they are expressly described as existing issues. The Applicant does not control the public lay-by and cannot reasonably be made responsible through its premises licence for all conduct of persons using land outside its control.

35. The current section 182 Guidance expressly recognises that licence conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and staff, although conditions may properly influence behaviour in the immediate vicinity or as customers enter or leave.

36. The Applicant can, and will, take reasonable steps in relation to its own customers and the immediate vicinity. The additional conditions offered below are intended to do exactly that.

8. Public toilet proposal

37. The Parish Council suggests that a public toilet should be provided if a 24-hour licence is granted.

38. The Applicant respectfully submits that such a requirement would not be an appropriate premises licence condition on the evidence presently before the Sub-Committee. The problem described concerns persons already using the neighbouring lay-by and is not shown to be caused by the proposed licensable activities.

39. A premises licence should regulate matters connected with the licensed operation and should not be used to transfer responsibility for a pre-existing highway or public amenity issue to a neighbouring business.

9. Vehicle movements and road safety

40. Concerns have also been expressed about additional traffic and the accident history of the A38. Genuine public-safety concerns are capable of engaging the public safety objective, but a distinction must be drawn between matters attributable to the licensed operation and general highway management.

41. The premises licence does not authorise any customer to speed, drive dangerously or park unlawfully. Those matters remain governed by road traffic and highway legislation. The fact that customers may arrive by vehicle does not, without evidence of an unacceptable licensing risk, establish that the sale of alcohol after 23:00 would undermine public safety.

10. Commercial need and availability elsewhere

42. Several representations refer to alcohol, fuel, groceries or other services being available elsewhere, including Michaelwood Services and other surrounding settlements, and question whether a 24-hour facility is necessary.

43. Stroud's Policy expressly distinguishes commercial need from cumulative impact. Paragraph 7.2 states that the Council will not take 'need' into account when considering an application for a premises licence or club premises certificate.

44. Accordingly, whether there are sufficient alternative shops or whether market demand exists for this operation is not a matter upon which this licensing application should be determined. The relevant question remains the effect of the application on the licensing objectives.

11. Cumulative impact

45. Paragraph 7.4 of Stroud's Policy records that there is currently insufficient evidence that any concentration of licensed premises within the district is causing a cumulative impact requiring a special policy of refusing new licences or restricting variations.

46. There is therefore no cumulative impact policy or policy presumption against this application. It falls to be determined on its individual merits.

12. Planning

47. Some representations refer to the planning position at Stone Garage. The Applicant respectfully submits that planning and licensing must remain properly separated.

48. Paragraph 6.1 of Stroud's Policy states that, as far as practicably possible, the Council will avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes. Paragraph 6.3 further recognises that where planning hours are more restrictive than licensing hours, the earlier planning restriction must be observed and can be enforced through the planning regime.

49. The Sub-Committee is therefore asked to determine the licensing application by reference to the licensing objectives rather than to use the premises licence as a means of duplicating planning control.

13. Residential character and overnight concerns

50. The Applicant accepts that Stone is a village and not a town-centre late-night economy. The local character and residential amenity are relevant factors under paragraph 8.2 of the Council's Policy.

51. That does not create a presumption that alcohol sales from a convenience store must cease at 22:00 or 23:00. The Council's own Policy provides a flexible approach to hours and generally envisages shops being licensed for off-sales during the hours that they are open for shopping.

52. The appropriate response to the local character is therefore to ensure that the overnight operation is responsibly staffed and suitably conditioned. The Applicant has already offered two-person staffing overnight, comprehensive CCTV and nuisance controls, and now volunteers further targeted safeguards.

14. Additional conditions voluntarily offered

53. Without accepting that the existing operating schedule is inadequate, and in order to respond constructively to the representations, the Applicant voluntarily offers the following additional conditions:

1. Prominent notices shall be displayed at the exit requesting customers not to congregate outside the premises or in the immediate vicinity and to leave the area quietly with due consideration for nearby residents.

2. Where staff become aware of customers associated with the premises congregating immediately outside the premises and causing unreasonable noise, disturbance or antisocial behaviour, staff shall take reasonable steps to discourage such behaviour and, where appropriate, contact the Police.

3. Prominent notices shall be displayed requesting customers attending the premises not to sound vehicle horns, play amplified music from vehicles at an unreasonable volume, or leave vehicle engines running unnecessarily while on the premises.

4. During the period 23:00 to 06:00, staff shall undertake periodic inspections of the external areas forming part of the premises and the immediate frontage, where it is safe and lawful to do so, and shall remove litter reasonably identifiable as arising from the operation of the premises.

5. Any external lighting under the control of the premises licence holder shall be positioned, operated and maintained so as to minimise unreasonable light intrusion into neighbouring residential premises.

54. Those conditions are intended to complement, rather than duplicate, the measures already contained in the operating schedule. They directly address the principal concerns regarding congregation, vehicle noise, litter and lighting.

15. Responsible authorities

55. No representation from a responsible authority is contained in the representation bundle supplied to the Applicant for this hearing.

56. The Applicant does not suggest that this diminishes the right of residents or the Parish Council to make representations. Their concerns must be considered on their merits.

57. It is nevertheless relevant that, on the material supplied, none of the specialist responsible authorities has sought refusal, reduced hours or additional controls in respect of the application. The Sub-Committee may properly consider that fact as part of the overall evidential picture.

16. Proportionality and the requested hours

58. The principal remedy sought by the objectors is, in effect, to prevent overnight alcohol sales by reducing the terminal hour to around 22:00 or 23:00.

59. That would be a substantial alteration to the application and to the intended 24-hour convenience-store model. Before imposing such a restriction, the Applicant respectfully asks the Sub-Committee to identify the specific licensing risk that requires alcohol sales to cease at that particular time and to consider whether a less restrictive measure can adequately address it.

60. The concerns identified in the representations are already addressed, or can be addressed, by targeted controls: CCTV and two-person staffing for crime and disorder; Challenge 25 and refusal procedures for underage or unlawful sales; prohibition of forecourt consumption; staff intervention and notices for congregation and noise; and the additional litter and lighting controls now offered.

61. The Applicant submits that those measures represent a more proportionate response than terminating off-sales during the overnight period.

17. Review safeguards

62. The Applicant intends to operate responsibly from the outset and does not rely upon the review procedure as a substitute for proper management.

63. Nevertheless, the Licensing Act 2003 provides an effective review mechanism if actual evidence later demonstrates that the premises are undermining the licensing objectives.

The existence of that safeguard is relevant when considering whether a substantial restriction should now be imposed principally because of concerns about what may occur.

18. Conclusion

64. The Applicant recognises and respects the concerns expressed by local residents and the Parish Council. The application nevertheless concerns a convenience retail store, not a drinking or entertainment venue.

65. Alcohol is for off-sales only. There is no customer drinking area, no entertainment and no reason for customers to remain at the premises after making their purchases.

66. The premises will operate with comprehensive CCTV, a minimum of two staff overnight, staff training, Challenge 25, incident and refusals records, a prohibition on forecourt drinking, monitoring of the immediate vicinity and controls on waste handling. The Applicant has also volunteered further conditions concerning customer congregation, vehicle noise, litter and external lighting.

67. The Home Office Guidance states that shops, stores and supermarkets should normally be free to provide off-sales at any times when they are open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Stroud's own Policy similarly adopts a flexible approach and generally considers shops for off-sales during their normal shopping hours.

68. There is no cumulative impact policy creating a presumption against this application, and the Council's Policy expressly provides that commercial 'need' is not a licensing consideration.

69. In those circumstances, the Applicant respectfully submits that the licensing objectives can be promoted without reducing the hours sought.

70. The Applicant therefore respectfully invites the Sub-Committee to grant the premises licence with:

- the sale of alcohol for consumption off the premises from 00:00 to 24:00 every day;
- late-night refreshment from 23:00 to 05:00 every day;
- opening to the public 24 hours every day;
- the conditions contained within the operating schedule; and
- the five additional conditions voluntarily offered at section 14 above.

71. The Applicant remains willing to engage constructively with the Sub-Committee in relation to any specific issue identified at the hearing. It respectfully submits, however, that any additional restriction should be evidence-based, targeted at the particular licensing risk

identified and no more onerous than is appropriate for the promotion of the licensing objectives.

Authorities and policy referred to

1. Licensing Act 2003, section 18.

2. Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003 (September 2026), in particular paragraphs 1.16-1.17 and 10.10, 10.13-10.15.

3. Stroud District Council, Statement of Licensing Policy 2026-2031, in particular paragraphs 6.1-6.3, 7.1-7.4 and 8.2-8.4.

For and on behalf of Deansbrook Garages Limited

SG Licensing Ltd

October 2026