

Cheltenham Borough Council

Licensing Sub-Committee (Miscellaneous) – 2 July 2025

Deviation from policy request – Street Trading Consent fees Tan's Coffee Box

Report of the Licensing Officer

1. Summary

- 1.1 Tanya Baxter, trading as Tan's Coffee Box, has held a street trading consent, issued by Cheltenham Borough Council, since 20 June 2024. The current consent permits the sale of food and beverages between 09:00am – 16:00pm Monday – Saturday. It expired on 19 June 2025.
- 1.2 On 24 April 2025, a renewal application was submitted by the consent holder to renew their consent for another year. The renewal application was received with all required documents.
- 1.3 Prior to the renewal being issued, a check was carried out to ensure all relevant fees had been paid by the applicant. It was found that no invoice subscription had been set up and, as a result, the consent holder had been operating free of charge since the consent was issued in 2024.
- 1.4 The applicant was advised that the previous year's fees would be waived due to the administrative error by the council, but that they would be expected to pay the fees due for the forthcoming year of trading.
- 1.5 The fees due were disputed by the consent holder and they were invited to put their case before the Committee to determine if, and to what extent, any fees are due.
- 1.6 In the period between the previous consent expiring on 19 June 2025, and the date of this hearing, the consent holder was issued with a temporary consent to allow them to continue trading. Payment was requested, and made, for this temporary consent.
- 1.7 Licensing understands that payment of this fee by the consent holder does not, by proxy, show that they accept the fees that are being quoted.
- 1.8 The Committee may:
 - 1.8.1 **Prescribe that the published street trading consent fee applies;**
 - 1.8.2 **Prescribe that a reduction, and the extent of the reduction, to the street trading consent fee applies; or**
 - 1.8.3 **Prescribe that no fee is due.**

Legal

There is no right of appeal against the review of a fee by a Sub-Committee.

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- 1.9 The following documents, referenced within this report, are included as appendices:

APPENDIX ONE – A copy of the Cheltenham Borough Council street trading fees (April 2025 – March 2026)

2. Legislative considerations

- 2.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 allows an authority to control street trading within its district:

Tan's Coffee Box		Last updated 24 June 2025
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“Street trading” means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street.

2.2 A street is defined within the Act as:

Any road, footway, beach or other area to which the public have access without payment.

2.3 The entire borough of Cheltenham has been designated as a ‘consent street’, meaning street trading is prohibited without the consent of the district council.

2.4 Where an application is made for the grant or renewal of a street trading consent, a district council may charge fees as are considered reasonable:

A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

- a) To the duration of the licence or consent;*
- b) To the street in which it authorises trading; and*
- c) To the descriptions of articles in which the holder is authorised to trade.*

2.5 A council may also:

Recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

2.6 Where a council requires that a street trading consent fee is due, they may determine it is paid by instalments.

2.7 Where a consent holder persistently refuses or neglects to pay fees due to the council, the council may, at any time, revoke a street trading consent.

3. Licensing Comments

3.1 Street trading consent fees are payable by all applicable traders in the borough. They are set in accordance with:

- a) Cost recovery (officer time for administration (including application processing, consultations, and committee) and enforcement and compliance);
- b) The duration of a street trading consent;
- c) The location of the site used for trading; and
- d) The articles being sold.

3.2 The consent fee is advertised as a requirement on Cheltenham Borough Council’s website prior to any application being made.

3.3 The applicant has been quoted a total annual fee of £3298.32, which derives from the fee category of *Other stalls/units – secondary sites*. The annual consent fee has been calculated as follows (calculations allow for rounding):

Full year (£3858.65) ÷ 365 (days per year) = £10.57 per day;
£10.57 × 6 (days trading per week) = £63.43 per week;
£63.43 × 52 (weeks per year) = £3298.32 (total annual fee);
£3298.25 ÷ 12 (months per year) = £274.86 (total monthly fee).

3.4 A copy of the street trading consent fees is available for Members to view at Appendix One of this report.

- 3.5 The street trading consent fees set are, in general, in line with other similar authorities within England. The following fees are for annual consents for secondary sites (outside of city / town centres) or those where there is a set fee for the whole district:

Bath & North East Somerset Council	£3284.00
Canterbury City Council	£7113.85
Gloucester City Council	£3120.00
Oxford City Council	£3257.00
Plymouth City Council	£3000.00
Worcester City Council	£4100.00

- 3.6 Each individual street trader has their own consent fee calculated based upon those detailed in Appendix One. All those who are asked to pay a fee do so and accept this is part of the requirements of their consent in line with the legislation.
- 3.7 The applicant has agreed to pay a consent fee of £116.28 to allow them to continue trading between 20 June 2025 and this Committee. Licensing understands that payment of this fee by the applicant does not, by proxy, show acceptance of the fees that are being quoted.
- 3.8 Members may wish to consider that street traders are not required to pay business rates, and typically do not pay any rent for their site.
- 3.9 At the authority's discretion, a 50% reduction in fees can be arranged where applications are received from charities, or from an organisation set up for a charitable purpose. A charitable purpose is considered in accordance with [Section 3 of the Charities Act 2011](#).
- 3.10 It is highly unlikely that a commercial business would meet the test of a charity, or charitable purpose. The 50% fee reduction would, accordingly, not apply.
- 3.11 The Committee should carefully consider whether the business is unique in being 'community-focussed' and, if so, whether this carries enough weight to be considered a charitable purpose. Cheltenham Borough Council licenses a total of 4 other street traders with similar businesses (coffee / snacks), one of which is also situated adjacent to a church. Each of these traders pays their fee in full, on time, and with no complaint.
- 3.12 Members should consider the implications of any precedent set should the full fees not be applied.
- 3.13 In considering this case on its own merits, Members should have regard to the adopted Probity Guide.

Background Papers

Service Records

[Schedule 4 - Local Government \(Miscellaneous Provisions\) Act 1982](#)

[Charities Act 2011](#)

Report Author

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Appendix List

APPENDIX ONE – A copy of the Cheltenham Borough Council street trading consent fees (April 2025 – March 2026)