

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 2 July 2025

Meeting time: 18:00– 19:20

In attendance:

Councillors:

Julie Sankey, Dilys Barrell and Simon Wheeler (Chair)

Also in attendance:

Jacob Doleman (Licensing Officer), Michelle Bignell (Licensing and Public Protection Manager) and Vikki Fennell (Senior Lawyer, One Legal)

1 Apologies

Apologies were received from Cllrs Boyes, Pemberton and Willingham.

2 Declarations of Interest

There were none.

3 Deviation from policy request - Street Trading Consent fees

The Licensing Officer introduced the report as published.

The responses to Members questions were as follows:

- The street trading consent fees are published as a requirement on the website, there is also a list of the fees that are applicable on the street trading part of the website.
- A Member commented that it seemed generous that the trader had not had to pay consent fees for the first year that they were in operation due to an

administrative error. The licensing officer confirmed that this is the case when an administrative error occurs.

The street traders representative was given the opportunity to ask the licensing officer questions. The response to her question was as follows:

- There was confirmation from the licensing officer that there had been administrative errors previously on street trading consents and they were also not charged for the consent for the year that the error occurred in.

The street traders representative was then asked to address the committee and made the following points:

- The business is a small independent coffee box outside the church.
- More than 300 people have signed the petition and many have sent letters in support of the appeal.
- Parts of these letters were read to the committee, stating that the business is a part of the community and has brought people together, it is a great place to visit as a cancer patient at the hospital as it provides a safe place for people to socialise in the fresh air, a lady with a daughter with special needs stated that the business was a welcoming place and her daughter was made to feel comfortable there, it is a meeting place for people who can't walk far. The Church Parish Council also submitted a letter in support which was in the published evidence.
- Small and micro businesses are the beating heart of Cheltenham.
- This business is not just a coffee shop it is built for connection and has had 1500 customers over the last year.
- The street trading consent fee is more than 20% of her profit which is a crippling amount to any small business.
- The report stated that all street traders pay the fees required, she believed that this was not the case and felt compelled to raise concerns regarding this.
- The costs were never clearly communicated and the day by day system is not transparent.
- She stated that they had not been told about the consent fee on renewals and only learnt about the hearing 10 weeks ago.
- The advice that they have been given from the licensing team has not been consistent as she had been told 2 different fees.
- The licence costs more than the fee for a sexual entertainment venue and for a late night refreshment licence and she perceived that these venues need more enforcement.
- The licensing department state that there are only 4 other traders and they know that there are twice that amount in the borough.
- She stated that Cheltenham charges 5 times the amount of other councils in the district – she fears that this will affect the future of other similar businesses.
- In the last two weeks 3 independent businesses have closed down in Regent Street.

- The business reflects the values that the Council supports in the social value policy especially with regards to mental health. Asking for payment undermines this policy.
- They are asking for fair treatment, to reduce the fees to something in line with the businesses values.
- She concluded that the business may be small but its impact is big.

Before the matter went to Member questions the Chair stated that they had read all the letters of support and the committee was not there to criticise the business.

The licensing officer clarified that the first consent fee that was quoted was based purely on a drinks only unit and it was then noted that the business sold baked goods which meant a change in fees. In relation to the point made by the traders representative in regard to the fees paid by alcohol, regulated entertainment, and late night refreshment licence holders it was clarified that these fees are set by the government.

The matter then went to Member questions to the traders representative. The responses were as follows:

- St Lukes Church is not open as often as other churches in Cheltenham, it is only open for services on Wednesday and Sundays, the business is a community focal point and was invited by the Reverend to bring people together, there are lots of elderly residents in the area and this is a facility that they use.
- The business is not formally affiliated with the church.
- They are a year into the business and hadn't realised that they would have had such a stronghold in the community.
- It was stated that the business owner was thinking of taking mental health first aid courses so that she can support those in the community that needed it. There would be no cost to customers if they did this.
- Street traders add to the richness of the town, there was acknowledgement that other businesses have to pay business rates.
- This business is the traders only form of income, as much as they would like to put profit back into the community this is not possible.
- The representative explained that they were not being selfish, but wanted to support more practical action for local independent businesses.
- People use coffee shop chains, they do not take the time to understand what is going on with someone or what their challenges are.
- This business offers practical help in supporting her customers, as a small business she has that time.

The Chair commented that businesses like this one do add a lot to the community and chain coffee shops are not the same but they do pay business rates.

The applicants representative was given the final right to reply and stated that there are similar services offered at the springbank centre but thought that they would get grant and government funding.

The Members then adjourned to make their decision.

The decision was as follows:

The sub-committee resolved that the published street trading consent fee applies

The reasons being:-

The Sub Committee thinks the business is a wonderful addition to the St Lukes Community and does a great job as do other businesses but that does not give rise to an exemption – there is no evidence before the committee and following questions asked of the applicant this evening that any exemption should be given. The business is a for profit business, it is like any other business in the town and therefore there was no basis for the sub-committee to deviate from the council's position

The consent fees still have to be paid and there is no reason to deviate from the consent fees set by the council which are set on a cost recovery basis including the duration, location and articles being sold.

The Sub Committee are not responsible for setting the fees, that rests with Cabinet Street trading consent fees are payable by all applicable traders in the borough, It is advertised as a requirement on the council's website prior to an application made

There was an error and as a result the consent fees were waived for the first year but they now fall due

4 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.

The date of the next meeting is 6th August 2025.