

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Sub-Committee**
held on Wednesday, 29th April, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors T Beard, D Bebbington, L Gilbert and J Goddard

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor
Ms N Cadman, Licensing Officer
Ms A Jackson, Licensing Enforcement Officer
Mr M Janes, Licensing Enforcement Officer
Mrs J Zientek, Democratic Services Officer

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

5 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report regarding an application for a Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine

whether the application for a Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED – That the application for a Private Hire Driver's Licence be granted, subject to receipt of satisfactory medical certification and the completion of the relevant theory test.

6 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE

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The applicant attended the hearing and made representations in respect of his application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED – That the application for a Private Hire Driver's Licence be refused, for the following reasons:

- the evidence relating to the applicant's behaviour
- insufficient time had elapsed since the applicant's conviction

7 APPLICATION FOR A STREET TRADING CONSENT

The Sub-Committee considered a report regarding an application for a street trading consent.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a street trading consent should be granted.

The applicant was unable to attend the hearing and had requested that the application be determined in his absence.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, the following course of action had been agreed.

RESOLVED – That the application for a street trading consent be refused for the following reason: the applicant had previously held a street trading consent in relation to the site in question, but had not been operating from the site. In the circumstances, the Sub-Committee determined to grant consent to an alternative operator.

8 APPLICATION FOR A STREET TRADING CONSENT

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The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a street trading consent should be granted.

The applicant attended the hearing and made representations in respect of her application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, including the applicant's oral representations, the following course of action had been agreed.

RESOLVED – That the application for a street trading consent be granted, subject to the following conditions:

- Any vehicle/unit used in connection with trading from the Site should be parked on the eastern side of the lay-by at least twenty metres away from the junction with the A536.
- No trading may take place under this consent until such time as the trading unit has been inspected and approved for this purpose by an officer of the Council.

9 APPLICATION FOR EXEMPTION FROM DISPLAY OF PLATES AND REMOVAL OF PRIVATE HIRE VEHICLE CONDITIONS

Note: The meeting was adjourned from 11.50am to 12.02pm to enable Members of the Sub-Committee to view the vehicles in question.

The Sub-Committee considered a report regarding an application for exemption from display of plates and removal of private hire vehicle conditions for two vehicles.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for exemption from display of plates and removal of private hire vehicle conditions should be granted.

The applicants attended the hearing and made representations in respect of their application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of all of the evidence, including the applicants' oral representations, the following course of action had been agreed.

RESOLVED

- (a) That private hire vehicle licences be granted for the vehicles in question, subject to the amendment of condition 2.7 of the East Cheshire Borough Council Private Hire Vehicle Licensing Conditions, as they relate to tinted windows.
- (b) That exemption certificates be granted in relation to the vehicles in question which:
 - exempt the vehicles from the requirement to display the private hire vehicle licence identification plates issued by the Council.
 - exempt the private hire drivers from the requirement to wear/display the private hire driver's identification badge.

The meeting commenced at 10.00 am and concluded at 12.37 pm

Councillor P Whiteley (Chairman)