

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 20th July, 2009 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)
Councillor D Bebbington (Vice-Chairman)

Councillors Rachel Bailey, T Beard, H Davenport, B Dykes, L Gilbert,
E Gilliland, J Goddard, M Parsons, A Ranfield and C Tomlinson

Substitute

Councillor M Hardy

OFFICERS IN ATTENDANCE

Mr M Janes, Licensing Enforcement Officer
Mrs K Khan, Solicitor
Mr T Potts, Interim Licensing Manager
Mr A Rennie, Interim Places Accountant
Mrs J Zientek, Democratic Services Officer

APOLOGIES

Councillor Rhoda Bailey

57 DECLARATIONS OF INTEREST

There were no declarations of interest.

58 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, Mr Fidler indicated that he wished to address the Committee on behalf of the traders. The Chairman agreed to take his comments under agenda item 6 (Fees and Charges).

59 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 22 May 2009 be approved as a correct record.

60 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED

- (a) That the Minutes of the Licensing Sub Committee meetings held on 12 June 2009, 26 June 2009, 29 June 2009 and 7 July 2009 be approved as correct records.
- (b) That the Democratic Services Officer be requested to allocate reference numbers to future Part 2 items on Licensing Sub Committee agendas, to allow items to be tracked through the minutes.

61 FEES AND CHARGES

Further to Minute No. 58, Mr Fidler was invited to address the Committee with respect to the proposed fees and charges. His comments included details of differences in practice between the licensing departments of the three former borough councils, which had resulted in dissatisfaction amongst the licensed trade. Mr Fidler also queried whether the proposed fees and charges had been calculated on the basis of reliable information.

The Committee considered a report detailing the responses received from the licensed trade regarding the proposed fees to be charged by Cheshire East Council in relation to the licensing of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators which had been approved for statutory consultation on 22 May 2009.

The Interim Places Accountant responded to Mr Fidler's comments and presented the Council's response to a letter of representation dated 1 July 2009, which had been appended to the report at Appendix H. Cheshire East had approved a single consolidated budget for 2009/10 but did not yet have an integrated costs and recharging system. The proposed fees would require a subsidy of £85,000 to £134,000, depending on the number of licences issued, and costs would be reviewed in a year's time.

RESOLVED - That the fees to be charged by Cheshire East Council in relation to the licensing of hackney carriage vehicles and drivers within each of the three zones and private hire vehicles, drivers and operators throughout the Borough with effect from 1 August 2009 be as follows:

Hackney Carriage Vehicle (Annual)	£290
Private Hire Vehicle (Annual)	£290
6 month test (hackney carriage) (vehicles over 7 years old)	£75
6 month test (private hire vehicle) (vehicles over 7 years old)	£75

Joint Hackney Carriage/Private Hire Drivers Licence – New application (3 years)	£210 (including CRB fee)
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Joint Hackney Carriage/Private Hire Drivers Licence – Renewal (3 years)	£150 (including CRB fee)
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Private Hire Operators Licence (5 years)	£335
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62 POLICY IN RELATION TO 'EXEMPT PLATING' OF PRIVATE HIRE VEHICLES AND DRIVERS

The Committee considered a report regarding the proposed policy in relation to exemption from the requirement to display licence plates on private hire vehicles and the requirement for licensed drivers to wear their private hire driver's badge.

In accordance with the Council's conditions, private hire licence plates issued by the Council were to be clearly displayed on the exterior surface of private hire vehicles at all times and private hire drivers were required to wear the driver's identification badge at all times when in or with the relevant private hire vehicle.

In accordance with Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council could issue exemptions from the normal requirements in relation to the display of plates and badges. The proposed policy would ensure consistency in decision-making and provide clarity to operators who were considering applying for an exemption.

RESOLVED - That the draft policy on 'exempt plating' be approved in order that it may be subject to consultation with the trade.

63 STREET TRADING - DESIGNATION AS 'PROHIBITED STREET'

The Committee considered a report regarding the designation of streets within the former Borough of Macclesfield as 'prohibited' for the purposes of street trading.

In 1983, a resolution had been passed which included the designation of the A556 (from Plumley to Altrincham), together with any adjoining street for a distance of 50 metres, as a prohibited street with effect from 7 November 1983.

Following a resolution of Macclesfield Borough Council's Licensing Committee in November 2008 to designate all 'A' and 'B' roads within the Borough (with limited exceptions) as prohibited streets together with all

adjoining streets for a distance of 50 metres, Cheshire County Council, as the Highways Authority, had been served with a notice.

As a 'trunk' road, the A556 was managed and maintained by the Highways Agency, which was the relevant Highway Authority in relation to this road. Committee members agreed that, for the purposes of clarity, and for the avoidance of doubt, authorisation should be given for the publication of a notice of intention to designate the A556 as a prohibited street together with any adjoining streets within 50 metres.

RESOLVED - That, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, authorisation be given to publish a notice of intention to designate the A556 (to its extent within the Borough), together with any adjoining street for a distance of 50 metres, as prohibited streets for the purposes of street trading.

The meeting commenced at 2.00 pm and concluded at 2.55 pm

Councillor P Whiteley (Chairman)