

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 19th October, 2009 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, T Beard, B Dykes, L Gilbert, E Gilliland, M Hardy
and C Tomlinson

OFFICERS IN ATTENDANCE

Mr M Janes, Licensing Enforcement Officer
Mrs K Khan, Solicitor
Mrs J Zientek, Democratic Services Officer

APOLOGIES

Councillors D Bebbington, Rachel Bailey, G Baxendale, H Davenport,
J Goddard, M Parsons and A Ranfield

64 MR T LESLIE

The Chairman welcomed Mr Tim Leslie of Standards for England, who
was attending the meeting in order to observe local government in action.

65 DECLARATIONS OF INTEREST

Councillor Rhoda Bailey declared that she had received correspondence
in relation to agenda item 6 (Private Hire Vehicle Condition 1.4).

66 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

67 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 20 July 2009 be
approved as a correct record.

68 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Sub Committee meetings
held on 6 August 2009 (9.30am), 6 August 2009 (11.30am), 27 August
2009, 10 September 2009 and 16 September 2009 be approved as correct
records.

69 PRIVATE HIRE VEHICLE CONDITION 1.4

The Committee considered a report regarding condition 1.4 of the Council's private hire vehicle conditions.

At its meeting on 13 March 2009, the Licensing Committee had approved licence conditions in relation to private hire vehicles for implementation from 1 April 2009. The Committee had also resolved that a further consultation exercise be undertaken with the holders of private hire vehicle licences on a proposal to amend the wording of condition 1.4. During the consultation period, four responses had been received.

Although the original purpose of the proposed amendment had been to more effectively limit the size of private hire vehicles which may be licensed, committee members were of the opinion that it would also improve passengers' chances of escaping from vehicles in the case of accident or emergency.

RESOLVED – That condition 1.4 of the Council's private hire vehicle conditions for initial licence applications be amended to read as follows:

“It shall have a minimum of four doors of which either (a) in circumstances where the rear door of the vehicle is not a ‘split door,’ two doors shall be on the near side and two on the offside or (b) in circumstances where the rear door of the vehicle is a ‘split door,’ at least three doors shall be fitted to a side of the vehicle. All the doors must be capable of use by persons for both access and egress and of being opened from both the inside and the outside. If the vehicle is fitted with an electronic locking system it must be capable of being overridden to enable the doors to be opened manually.”

70 POLICY ON 'EXEMPT PLATING' OF PRIVATE HIRE VEHICLES AND DRIVERS

The Committee considered a report regarding the proposed policy on ‘exempt plating’ of private hire vehicles and drivers within Cheshire East Borough.

At its meeting on 20 July 2009, the Licensing Committee had approved the draft policy on ‘exempt plating’ in order that it may be subject to consultation with the trade. No responses were received during the consultation period.

RESOLVED

- (a) That the proposed policy on ‘exempt plating’ of private hire vehicles and drivers be approved.
- (b) That the power to determine applications for ‘exempt plating’ in line with the Council's policy be delegated to the Licensing Manager.

This delegation shall be subject to the proviso that the Licensing Manager shall have the discretion to refer such applications to the Licensing Sub-Committee for determination.

71 STREET TRADING - DESIGNATION AS 'PROHIBITED STREET'

The Committee considered a report regarding the proposal to designate the A556 as 'prohibited' for the purposes of street trading.

At its meeting on 20 July 2009, the Licensing Committee had approved the publication of a notice of intention in relation to the proposed designation of the A556, and adjoining streets for a distance of 50 metres, as prohibited streets for the purposes of street trading.

A notice had subsequently been placed in the Knutsford Guardian and consultation letters had been sent to the Cheshire Constabulary, the Highways Agency and the Highways Department of the Council. The Highways Agency had submitted a response supporting the proposal on the grounds of highway safety, and one representation objecting to the proposal had been received from a member of the public.

RESOLVED

- (a) That, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the A556 (to its extent within the Borough), together with any adjoining streets for a distance of 50 metres, be designated as prohibited streets for the purposes of street trading, with effect from 23 November 2009.
- (b) That the Borough Solicitor, or officer acting on his behalf, be authorised to publish the required notices of the resolution in (a) above.

The meeting commenced at 2.00 pm and concluded at 2.35 pm

Councillor P Whiteley (Chairman)