

Licensing Committee

Agenda

Date: Monday, 19th October, 2009
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 20 July 2009.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 18)

To receive 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.

6. **Private Hire Vehicle Condition 1.4** (Pages 19 - 32)

To consider a proposed amendment to condition 1.4 of the Council's private hire vehicle conditions.

7. **Policy on 'Exempt Plating' of Private Hire Vehicles and Drivers** (Pages 33 - 40)

To consider the proposed policy on 'exempt plating' of private hire vehicles and drivers

8. **Street Trading - Designation as 'Prohibited Street'** (Pages 41 - 46)

To consider a proposal in relation to the designation of the A556 as 'prohibited' for the purposes of street trading.

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)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Sub-Committee**
held on Thursday, 6th August, 2009 at The Tatton Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors G Baxendale, B Dykes, J Goddard and C Tomlinson

OFFICERS IN ATTENDANCE

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

12 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 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 Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

16 09/01 APPLICATION FOR EXEMPTION FROM DISPLAY OF PLATES

The Sub-Committee considered a report regarding an application for an exemption certificate to exempt two vehicles from the requirement to display signage as required by condition 7 of the Cheshire East Borough Council's Private Hire Vehicle Licensing Conditions and from the requirement under condition 8 to display licence plates to the front and rear of the 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 the requirement to display licence plates on the vehicles in question 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 an exemption from the requirement to display the Council's Private Hire licence plates on two licensed vehicles be granted and that condition 10 of the Council's Private Hire Vehicle conditions be applied to the vehicles in question.

17 09/02 APPLICATION FOR A PRIVATE HIRE DRIVER'S 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 applicant is not a fit and proper person to hold a Private Hire Driver's Licence at this moment in time, as insufficient time has elapsed since his conviction, and that the application be refused.

18 09/03 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/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 Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of his application. A friend of the applicant also attended the hearing and made representations in support of the applicant.

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 applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the application for a licence be granted.

The meeting commenced at 9.30 am and concluded at 11.20 am

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Sub-Committee**
held on Thursday, 6th August, 2009 at The Tatton Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors G Baxendale and B Dykes

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor

Mrs N Cadman, Licensing Officer

Mrs J Zientek, Democratic Services Officer

19 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

20 APOLOGIES FOR ABSENCE

There were no apologies for absence.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 APPLICATION FOR A PREMISES LICENCE - LYME TREE BISTRO (DISLEY) LTD, 50 MARKET STREET, DISLEY, STOCKPORT

The Sub-Committee considered a report regarding an application from Lyme Tree Bistro (Disley) Ltd for a Premises Licence under section 17 of the Licensing Act 2003.

A local resident and the proposed designated premises supervisor attended the hearing and made representations with respect to the 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:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including a written representation from neighbour objectors and input from Cheshire Constabulary and Cheshire Fire Service

the following course of action had been agreed:

RESOLVED – That a Premises Licence be granted as applied for, subject to the following additional conditions:

1. There shall be notices at the exits to the premises requesting that customers leave the premises quietly and with respect for local residents.
2. There shall be notices displayed in any outside smoking area requesting that customers are considerate of neighbouring residents.
3. With the exception of access and egress, doors and windows shall remain closed at all times when amplified music is being performed after 22.00.
4. CCTV footage recorded at the premises shall be retained for thirty-one days and provided to the Police upon request.

and subject to the following amended volunteered conditions in relation to underage sales and door supervisors:

- A suitably accredited proof of age scheme, such as 'Challenge 21' shall be operated at the premises and staff shall be provided with training in relation to this policy.
- If door supervisors are employed they shall be registered with the Security Industry Authority.

The meeting commenced at 11.30 am and concluded at 12.35 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Sub-Committee**
held on Thursday, 27th August, 2009 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)

Councillors G Baxendale and T Beard

Apologies

There were no apologies for absence.

23 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

24 DECLARATIONS OF INTEREST

None.

25 APPLICATION FOR A PREMISES LICENCE VARIATION - KINGS BAR AND LOUNGE, LONDON ROAD SOUTH, POYNTON

The Sub-Committee considered a report regarding an application from the Kings Bar and Lounge for a variation to the Premises Licence under section 34 of the Licensing Act 2003.

The Designated Premises Supervisor, his Legal representative, a representative from the Licensing Section, representatives from the Council's Environmental Health Department, a representative from the Police and two Local residents attended the hearing and made representations with respect to the application.

Prior to the commencement of the hearing the Solicitor to the applicant indicated that the application would be limited to a variation of the hours for supply of alcohol, the hours for late night refreshment, and the opening hours as follows:

Sale and Supply of Alcohol and Late Night Refreshment:

Thursday 10.00 to 01.30 – but limited to the Thursday before Good Friday
Friday and Saturday 10.00 to 01.30
Sunday 10.00 to 01.30 but limited to a Sunday prior to a statutory Bank Holiday
Christmas Eve – extend until 02.00

Opening Hours

Thursday 9.00 to 02.00 but limited to the Thursday before Good Friday
Friday and Saturday 09.00 to 02.00
Sunday 10.00 to 02.00 but limited to a Sunday prior to a statutory Bank Holiday

Christmas Eve – extend to 02.30

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:

- The Secretary of State's Guidance under section 182 Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the written representations of further residents and representations made by the Environmental Health Service and Cheshire Constabulary

the following course of action had been agreed:

RESOLVED – That the application as varied by the applicant at the meeting be refused for the following reasons:

That the Licensing objectives relating to the prevention of crime and disorder and public nuisance were engaged, and having regard to the lack of entertainment in the extra hours the Committee was concerned at the potential focus purely on drinking in an essentially residential area.

The meeting commenced at 9.30 am and concluded at 11.43 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Sub-Committee**
held on Thursday, 10th September, 2009 at Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and B Dykes

OFFICERS IN ATTENDANCE

Ms S Dutton, Principal Solicitor
Mr M Goodfellow, Environmental Health Officer
Mrs V Robson, Licensing Officer
Mr H Roscoe, Principal Environmental Health Officer
Mrs J Zientek, Democratic Services Officer

26 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

27 DECLARATIONS OF INTEREST

There were no declarations of interest.

28 REVIEW OF PREMISES LICENCE - THE MUSIC BOX, CONGLETON

The Sub-Committee considered a report which detailed an application made by Cheshire East Environmental Health Department for a review of the Premises Licence of the Music Box Public House in Congleton under section 51 of the Licensing Act 2003.

Two representatives of the premises licence holder attended the hearing and made representations with respect to the 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:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003 in respect of reviews of premises licences
- Cheshire East Borough Council's Statement of Licensing Policy
- All the evidence, including the oral representations and written submissions of interested parties

the following course of action had been agreed:

RESOLVED

- (a) That the following condition be attached to the Premises Licence:

There shall be no live music or recorded music (other than background music) or any such entertainment that has the potential to cause disturbance to the locality at these premises until

- (i) a scheme of sound insulation works detailing the proposed acoustic attenuation, including clear attenuation evidence, drawn up by a suitably qualified person and, where required, details of ventilation has been agreed by Cheshire East Environmental Health Department and any other relevant body

and

- (ii) all agreed works have been completed to the satisfaction of Cheshire East Environmental Health Department and any other relevant body.

- (b) That the Designated Premises Supervisor be removed with immediate effect.

The meeting commenced at 9.30 am and concluded at 11.30 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Sub-Committee**
held on Wednesday, 16th September, 2009 at East Committee Room -
Municipal Buildings, Earle Steet, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors H Davenport and M Parsons

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor

Mr P Simester, Licensing Officer

Mrs J Zientek, Democratic Services Officer

29 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

30 DECLARATIONS OF INTEREST

There were no declarations of interest.

31 APPLICATION FOR A PREMISES LICENCE - LIMELIGHT CLUB, 1-7 HIGHTOWN, CREWE, CW1 3BP

The Sub-Committee considered a report regarding an application from the Limelight Club, Crewe for a Premises Licence under section 17 of the Licensing Act 2003.

A local resident, the applicant and the manager of the Limelight Club attended the hearing and made representations with respect to the 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:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the written representation of a local resident

the following course of action had been agreed:

RESOLVED

- (a) That a Premises Licence be granted as applied for, subject to the following additional conditions:
- There shall be no entertainment provided of an adult nature on the premises.
 - The premises licence holder shall have in place a system to monitor the number of people on each floor of the premises at any one time to ensure the maximum safe capacity of each area is never exceeded.
 - The proof of age scheme 'Challenge 21' shall be operated for all sales of alcohol and the only photographic proof of identity which may be accepted are:
 1. a photo card driving licence, or
 2. a current passport, or
 3. a national identity card containing a photograph of the holder, or
 4. a 'Pass' accredited proof of age card.
 - The Designated Premises Supervisor or another responsible member of staff shall be a member of and regularly attend meetings of the local Pubwatch group.
 - All fire exits giving access to the outside of the premises shall, unless continually manned, be equipped with a device which will indicate by means of both an audible and visible means to the first floor reception/bar area that a specific fire exit door has been opened.
 - No glass, bottle or other opened vessel may be taken outside the premises onto any public footpath, highway or car park.
 - No person under 18 years of age may be permitted to remain on or enter the premises after midnight each night.
 - Seating at tables will be provided throughout the premises at all times, but excluding the dance floor area.
 - The premises licence holder, designated premises supervisor or any person acting under their direction shall not organise coaches or buses to transport patrons to or from the premises.
 - A CCTV system will be maintained at the premises to the satisfaction of the Police Licensing Officer and all cameras will record at all times the premises are open to the public.

Unedited recordings will be kept at the premises for a minimum of 14 days and made freely available on request to a constable or an employee of the local authority or police authority.

- No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises.
 - There shall be placed at all exits from the premises, in a place where they can be seen and easily read by the public (or members and their guests), notices requiring customers to leave the premises and the area quietly.
 - The placing of refuse, such as bottles, into receptacles outside the premises shall not take place outside the following hours: 08:00 to 20:00.
 - Whilst regulated entertainment (i.e. live and recorded music) takes place on the first floor, the door to the smoking area shall only be opened to allow access and egress to the smoking area and it should not be held or propped open.
- (b) That the Applicant be recommended to make a telephone number available to local residents and to liaise with local residents to discuss any issues which may arise.
- (c) That the approach suggested by the Applicant of monitoring any potential for noise as a result of the use of smoking areas and putting in place any relevant attenuation measures as are appropriate to deal with any such issues be endorsed.

The meeting commenced at 9.30 am and concluded at 10.53 am

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting: 19 October 2009

Report of: Mr M Janes, Licensing Officer

Subject/Title: PRIVATE HIRE VEHICLE CONDITION 1.4

1.0 Report Summary

- 1.1 The report provides details of the consultation exercise carried out in relation to an amendment to condition 1.4 of the Council's private hire vehicle conditions and invites the Committee to determine whether the condition should be amended.

2.0 Recommendations

- 2.1 The Licensing Committee is requested:
- 2.1.1 to consider the consultation responses received in relation to the proposed amendment of condition 1.4; and
- 2.1.2 to resolve whether, in the light of the consultation responses, to amend condition 1.4, and if so, to determine the wording of the amendment.

3.0 Reasons for Recommendations

- 3.1 The Licensing Committee has the power to licence private hire vehicles and to determine the conditions which will apply to such licences.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 The report requests the Licensing Committee to consider whether condition 1.4 of the Council's private hire vehicle conditions should be amended. As the conditions effectively dictate the type of vehicle which will be licensed by the Council as private hire vehicles, this is a policy decision.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that the authority shall not grant a private hire vehicle licence unless it is satisfied that (i) the vehicle is suitable in type, size and design for use as a private hire vehicle; (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage; (iii) in suitable mechanical condition; (iv) safe; and (v) comfortable. Section 48(2) further provides that the authority may attach to the grant of a private hire vehicle licence such conditions as it considers 'reasonably necessary.'

9.2 In making a decision on conditions relating to the type/design of private hire vehicle, the authority must be satisfied that the condition is reasonably necessary in the light of the requirements within section 48(1).

10.0 Risk Management

10.1 A consultation exercise has been carried out to ensure that interested parties have the opportunity to submit representations in relation to the proposed policy. By consulting on the proposal and taking into account any responses received, the risk of legal challenge of the condition is minimised.

11.0 Background and Options

11.1 On 13th March 2009 the Licensing Committee considered a report in relation to conditions which were proposed for private hire vehicle licences issued by the Borough Council from 1 April 2009. The proposed conditions included the following in relation to the type of vehicle which would be considered for licensing as a private hire vehicle:

"1.4 It shall have a minimum of four doors at least three of which shall be fitted to the 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."

11.2 The report to Members suggested that, subject to further consultation, it may be appropriate to amend condition 1.4 to include a requirement that the vehicle have a minimum of four doors including two on the nearside and two on the offside. The report recognised that this condition would more effectively limit the

size of vehicles which are acceptable for licensing for private hire purposes as it would, in practice, exclude former PSVs as such vehicles are typically constructed with only two or three side doors.

11.3 The Licensing Committee resolved:

(a) That the proposed licence conditions in relation to private hire vehicles, as amended following the consultation exercise, be approved for implementation from 1 April 2009.

(b) That a further consultation exercise be undertaken with the holders of private hire vehicle licences on the proposal to amend the wording of the first sentence of condition number 1.4 to:

“It shall have a minimum number of four doors, including two on the near side and two on the offside.”

11.3 In July 2009 The Licensing Section forwarded to all Licensed Operators and drivers a Licensing Newsletter with accompanying correspondence seeking the trade's views on the proposal to change the wording of condition 1.4 of Cheshire East Borough Council's Private Hire Conditions. Responses were requested to be returned by no later than Friday 11 September 2009.

11.4 The Council has received two consultation responses the full detail of which are set out within Appendices A and B. In summary, however the responses make the following points:

11.4.1 Appendix A: The condition is an artificial way of introducing a limit on vehicle size; if such vehicles are approved by the Traffic Commissioners on what grounds does the Council believe that they are unsafe.

11.4.2 Appendix B: Summary:- If a private hire vehicle has only one side door (rear of 2x front doors) then the very rear door of vehicle must be of a 2x piece configuration.

11.4.3 Appendix C: This vehicle has been operated under private hire licence for a number of years, the proposed wording allows no provision for this format, which in honesty is safer, when parked at a curb with a number of people trying to disembark on the road side of the vehicle can be extremely hazardous in traffic, this vehicle does not allow this option.

11.4.4 Appendix D: The amended wording caters adequately for saloon cars / hatchbacks. However it is NOT adequate for larger vehicles e.g. Mini-Bus.

11.5 Whilst the report to Committee on 13th March 2009 stated that the purpose of the proposed amendment was to more effectively limit the size of private hire vehicles which may be licensed, it is submitted that the amendment is also important from the perspective of passenger safety. One of the primary concerns for the Council when considering the licensing of private hire vehicles is the method of escape from the vehicle in the case of accident or emergency.

The concern about condition 1.4 as currently drafted is that it would permit the licensing of vehicles where the only method of exiting a vehicle for passengers in the rear is through either a door on one side of the vehicle or through the rear. In the case of an accident where there was a side impact or where the vehicle rolled onto the side on which the door is located, exit for passengers in the rear may be impeded. In such cases the rear door may be the only route for escape from the vehicle; it is suggested that this would be acceptable if the rear door were a 'split door' but that there may be problems if the rear door were a single door which may become inoperable if the vehicle were to overturn causing damage to the door or its opening mechanism.

- 11.6 In the light of the consultation responses received, the Committee is therefore asked to consider an amendment to condition 1.4 as shown underlined below:

"1.4 It shall have a minimum of four doors of which either (a) two 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 sides 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."

12.0 Overview of Year One and Term One Issues

- 12.1 It is suggested that a decision on this condition is made as soon as possible to ensure clarity for prospective applicants.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mr Mike Janes
Designation: Licensing Officer
Tel No: (01625) 504190
Email: mike.janes@cheshireeast.gov.uk

APPENDIX A

Proposed further consultation on large ex- PSVs as 8 seat PHV's.

The council seems intent on restricting these vehicles by introducing an artificial 'condition' - two doors on each side of the vehicle.

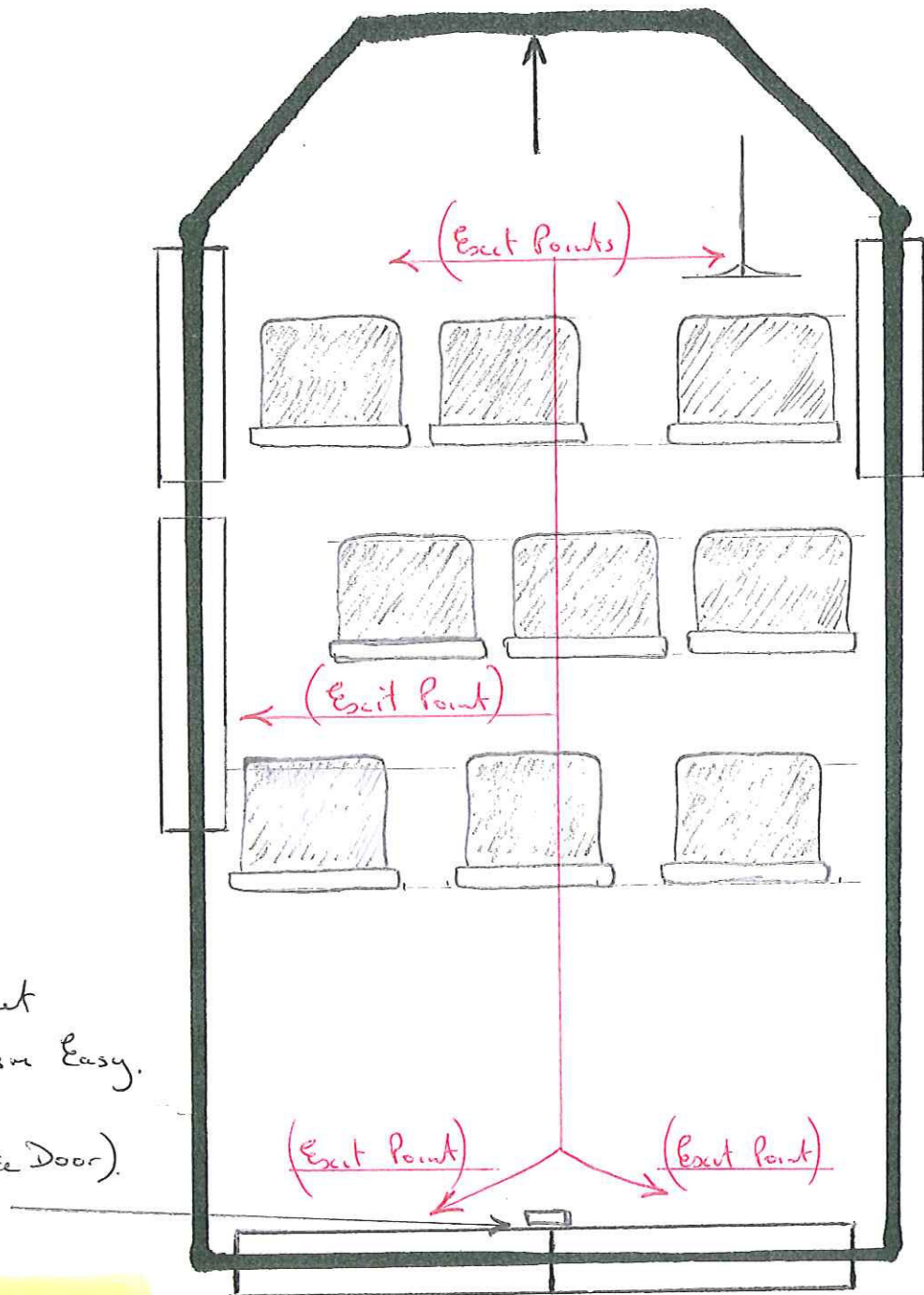
If such vehicles are approved by the Traffic Commissioners to carry substantially more persons in safety and comfort, on what grounds does Cheshire East believe these vehicles with lesser number of passengers are unsafe?

If there are concerns about drivers ability to handle vehicles of this size they could require applicants to satisfy a PCV practical driver test.

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APPENDIX B
Eg: Ford Transit. (8 x Seater Bus) Downsized form.
12/14/16 Seater.
Page 25

All Seats Rear of Driver on {Unwin Tracking} System.
enabling all Seats to be Removed or Repositioned
Depending on p/tune work undertaken.



Vehicle fitted
with purpose.
hammer for
Breaking of
Side Windows.

Seating Arrangement
can be different
than what is
shown.

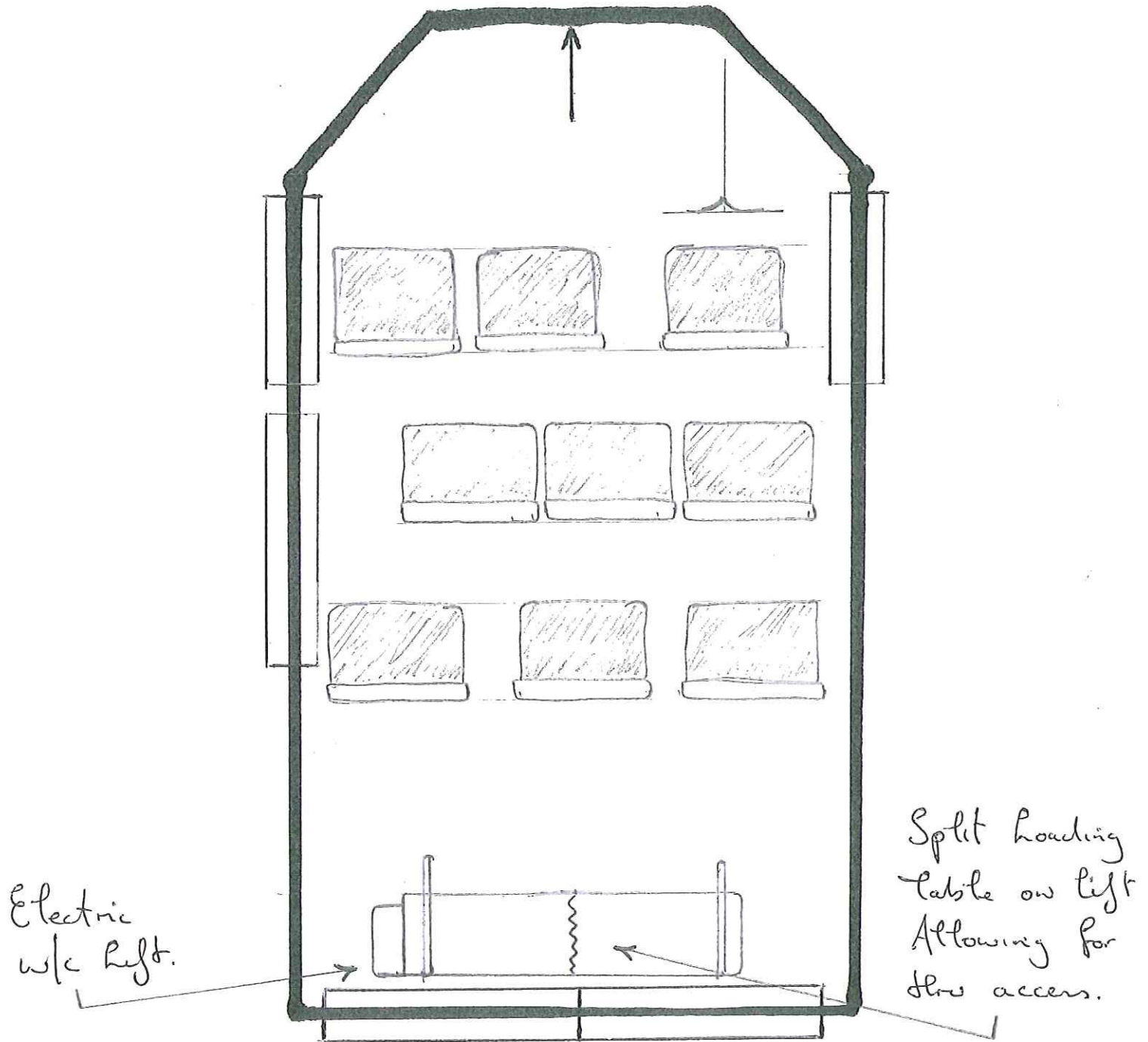
open (Blut
Mechanism Easy.
Access.
(2x piece Door).

Summary: if p/tune Vehicle has only one Side Door (Rear of
2x front Doors) then the Very Rear Door of Vehicle must be of
A 2x piece Configuration.

Which type of Vehicle can be fitted with elec lift.

8x Seat
L.W.B.

And can operate. Safely & Efficiently.



Companies operating this type Page 27

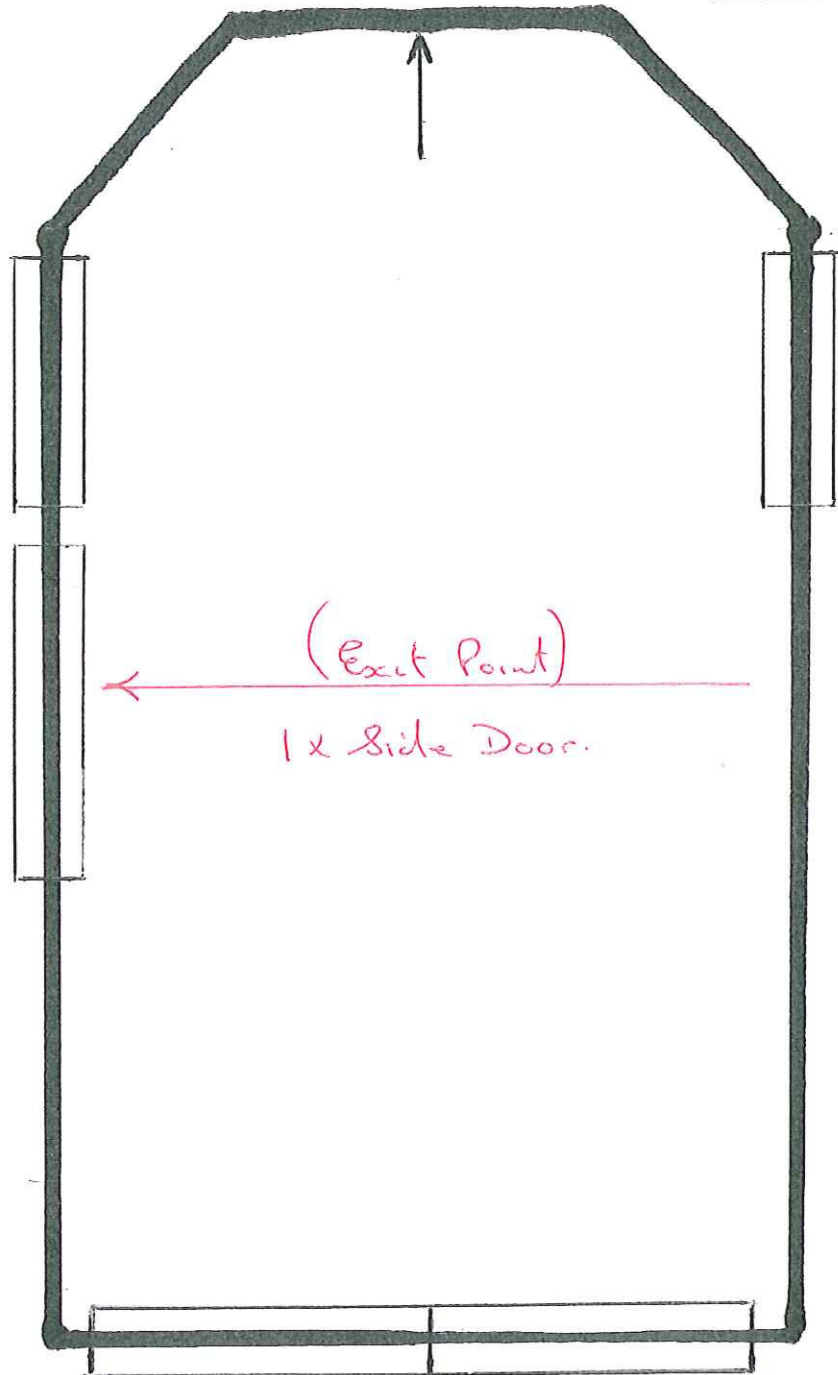
Vehicle with the one side exit;

8 x Seat
L.W.B.

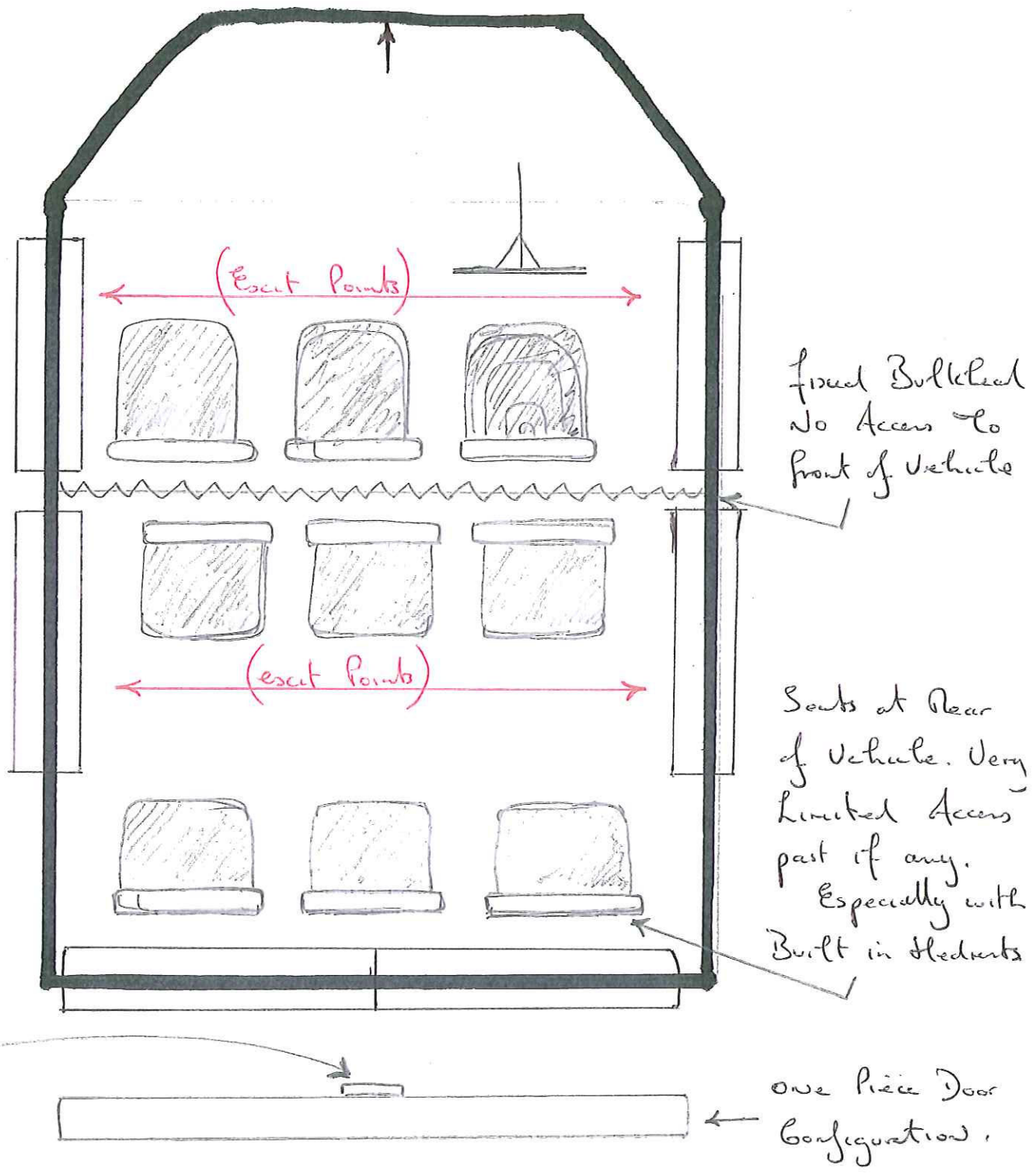
C.C.C. - Passengers, & wheelchairs.

Various Patient Transfer organisations { North West - West Midlands }
Ambulance Services

Also: This type of Vehicle L.W.B. Are Not Manufactured.
with 2 x Side Doors. (strength etc) also on certain
Manufacturers. it cuts down the floor area. (Rear w-Drive)



{use for P/mine - Haulage work}



Door open/shut Mechanism. either at Bottom
or middle of Door, To gain Access at the Bottom you
need to go under seats if can reach, if in the middle
either over the Top or from Bottom. if can reach.

APPENDIX C

I have read with interest the current proposals amending the wording as regards the number of doors (condition 1.4)

We currently operate a Fiat Ducatto currently licensed to carry 8 passengers. The door arrangements are: one on the off side (drivers door), two on the near side, (the main passenger area accessed by a large sliding side door, and a normal front door. At the rear of the vehicle are two full size doors which can be easily accessed from the main passenger area which can be easily opened from both inside and out.

This vehicle has been operated under private hire licence for a number of years, the proposed wording allows no provision for this format, which in honesty is safer, when parked at a curb with a number of people trying to disembark on the road side of the vehicle can be extremely hazardous in traffic, this vehicle does not allow this option.

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APPENDIX D

The amended wording caters adequately for saloon cars / hatchbacks. However it is NOT adequate for larger vehicles e.g. Mini-Bus. With these latter vehicles a PUBLIC SAFETY RISK arises when vulnerable members of the public exit / egress from the vehicle using the off-side rear door straight into traffic. (It is more difficult to freely exit from a car using the offside door, than in a larger Mini-bus size vehicle) The latest incident happened only last month in Bristol where the result was unfortunately fatal for the young lady concerned. This risk was identified and catered for by the now extinct Cheshire County Council, who made it clear in their training of drivers for School Contracts, that pupils should only use nearside doors. The safety risk outweighs the convenience factor.

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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting: 19 October 2009

Report of: Mr M Janes, Licensing Officer

Subject/Title: POLICY ON 'EXEMPT PLATING' OF PRIVATE HIRE VEHICLES AND DRIVERS

1.0 Report Summary

- 1.1 The report provides details of the consultation exercise carried out in relation to the proposed policy on 'exempt plating' of private hire vehicles and drivers within the Borough and invites the Committee to approve the policy.

2.0 Recommendations

- 2.1 The Licensing Committee is requested:

- 2.1.1 to approve the policy on 'exempt plating' of private hire vehicles and drivers in the form attached at Appendix 1 to this report; and
- 2.1.2 to delegate the power to determine applications for 'exempt plating' in line with the Council's policy, 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.

3.0 Reasons for Recommendations

- 3.1 The Licensing Committee has the power to licence private hire vehicles and drivers and to determine the policy which will apply to such licences.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications including - Climate change - Health

- 6.1 The report seeks approval for a new policy for the Borough to replace previous policies of the predecessor district authorities.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 None

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 requires the proprietor of a private hire vehicle to display the licence identification plate issued by the Council in the manner required by the Council's conditions. The Council's conditions state that "Private hire vehicles shall at all times clearly display on the exterior surface of the vehicle two licence plates supplied by the Council." Section 54(2)(a) of the Act requires the driver of a private hire vehicle to wear the badge issued by the Council in such a position and manner as to be plainly and distinctly visible.

9.2 Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle the private hire vehicle licence identification plate issued by the Council. Section 75(3) also provides that the Licensing Authority may grant to a licensed private hire driver an exemption from the requirement to wear/display the private hire driver's identification badge issued by the Council.

10.0 Risk Management

10.1 A consultation exercise has been carried out to ensure that interested parties have the opportunity to submit representations in relation to the proposed policy. By consulting on the policy and taking into account any responses received, the risk of legal challenge of the policy is minimised.

10.2 The adoption of a policy will assist in ensuring consistency of decision-making thereby reducing the risk of challenge to individual decisions.

11.0 Background and Options

11.1 The Council's vehicle conditions in relation to private hire vehicles require that the identification plates issued by the Council are 'clearly displayed on the exterior surface of the vehicle' at all times. Similarly, the conditions relating to private hire drivers require drivers to wear the driver's identification badge at all times when in or with the relevant private hire vehicle. As set out within the legal implications within paragraph 9, section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 provides the authority with the ability to issue exemptions from the requirement to display plates and badges.

11.2 As Members will recall, at its meeting on 20th July 2009 the Licensing Committee considered a report on the draft 'exempt plating' policy and resolved that the draft policy on 'exempt plating' be approved in order that it may be subject to consultation with the trade.

11.3 In July 2009 the Licensing Section forwarded to all licensed operators and drivers a Licensing Newsletter with accompanying correspondence seeking the trade's views on the proposal, including a copy of the proposed policy. Responses were requested to be returned by no later than Friday 11 September 2009.

- 11.4 There have been no responses received in relation to the policy and therefore the Members are requested to approve the policy on 'exempt plating' of private hire vehicles and drivers in the form attached at Appendix 1 to this report.

12.0 Overview of Year One and Term One Issues

- 12.1 It is suggested that it is advantageous to have a policy in place as soon as possible within Year One to ensure consistency of decision-making and to provide clarity for prospective applicants.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Licensing Officer

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CHESHIRE EAST BOROUGH COUNCIL

LICENSING SECTION

EXEMPT PLATING

1. Introduction

It is clear that all 'private hire vehicles' within the meaning of section 80 of the Local Government (Miscellaneous Provisions) Act 1976 must be licensed with the relevant Licensing Authority.

The display of identification plates and badges is important in terms of protecting the public and the taxi trade. However, it is recognised that there are limited occasions, such as the operation of chauffeured, executive and limousine vehicles, where identification of the vehicle may have a negative effect both in terms of customer safety and commercial considerations.

This guidance is issued to set out the Council's position in relation to executive plating and to assist operators of 'executive' type vehicles who wish to make application for 'executive plates.'

2. Legal background

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) requires the proprietor of a private hire vehicle to display the licence identification plate issued by the Council upon the vehicle at all times that the vehicle is being used for the purposes of the licence.

Section 54(2)(a) of the Act requires the driver of a private hire vehicle to wear (display) the licence identification badge issued by the Council when acting in accordance with the requirements of the licence.

However, section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to grant to a licensed private hire proprietor an exemption from the requirement to display upon the licensed vehicle the private hire vehicle licence identification plate issued by the Council.

Section 75(3) also provides that the Licensing Authority may grant to a licensed private hire driver an exemption from the requirement to wear/display the private hire driver's identification badge issued by the Council.

3. Procedure

The Council considers that this exemption will not be applicable to all private hire vehicles, but rather to a minority of vehicles operated as chauffeured, executive and limousine vehicles. Each application will be judged on its own merits, however, it is considered that this system is appropriate for those vehicles fulfilling the requirements set out below.

Exempt vehicles are subject to the same criteria as all licensed private hire vehicles in that they can only be driven by a private hire driver who is licensed by the same authority from which the vehicle licence and private hire operators licence were issued. In our case Cheshire East Borough Council.

3.1 Requirements

To be considered appropriate for executive plating, it is considered that the following criteria should be met:

- The vehicle is of a high quality both in terms of brand and condition;
- The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
- Evidence of the service being provided must be supplied to justify the exemption.

3.2 Application

Applicants must submit a business plan for the use of the vehicle to satisfy the council that the exemption is appropriate.

A business plan may include , for example, the following factors:

- Target groups/clients
- Types of journey to be undertaken
- Method of advertising
- Method of payment
- The type of vehicle itself
- Whether the type of vehicle itself is the reason for hiring it (e.g., stretched limousine)
- Vehicle modifications
- Additional facilities provided
- Special driver qualifications or requirements (e.g. Chauffeur's uniform)

The vehicle must be operated **exclusively** as set out in the business plan.

Applications must be accompanied by the prescribed fee (which will be the same as that currently levied by the Council for private hire and hackney carriage vehicles) together with the business plan.

If all the requirements are met and the vehicle passes the Council's inspection then an Exemption Notice will be issued. If the requirements are not met then the application will be refused.

3.3 Notice

If the application is granted, the Licensing Authority will issue a formal notification of exemption (the Exemption Notice) to the applicant.

The Exemption Notice will not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

3.4 Identification Badge

The Council will issue the proprietor with an identification badge to include the following information:

- The private hire vehicle licence number;
- The registration number of the vehicle;
- The number of persons the vehicle is licensed to carry;
- The expiry date of the licence.

The identification badge must be displayed within the vehicle in line with the standard Cheshire East Borough Council private hire vehicle conditions.

3.5 Conditions

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard Cheshire East Borough Council private hire vehicle conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice referred to as special licence condition number 10. see paragraph 3.6 below.

The conditions for executive plated vehicles will include condition 10 of the Cheshire East private hire vehicle conditions.

10 SPECIAL CONDITION for EXECUTIVE LIMOUSINES

10.1 When Condition number 10 is attached to the licence Conditions numbers 7 and 8 shall not apply. ***[Condition 7 relates to signs and notices. Condition 8 relates to Licence Plates.]*** Condition number 10 will only be applied to a licence at the discretion of the Council and may be withdrawn at any time if the Council is not satisfied that the vehicle is being used or operated in accordance with the plan submitted to the Council in support of an application made for it to be subject to Special Condition number 10.

10.2 The notice of the grant of special licence condition number 10 shall be carried in the vehicle at all times.

10.3 Windscreen Sign

The vehicle shall display at all times in the lower near side of the windscreen and visible from the outside of the vehicle a private hire vehicle identification badge supplied by the Council. The form and content of the badge shall be prescribed by the Council.

- 10.4 The identification badge shall at all times remain the property of the Council and the licensee shall not cause or permit the information displayed upon the badge to be altered, removed or obscured in any way.

10.5 Interior Sign

The vehicle shall display at all times a private hire vehicle identification sign supplied by the Council and be visible to passengers from within the vehicle. The form and content of the sign shall be visible shall be prescribed by the Council.

- 10.6 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.

- 10.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.

- 10.8 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office of Transport for London, Panton Street, London shall not be used as a private hire vehicle.

3.6 Withdrawal of Exemption Notice.

The exemption notice will be withdrawn from the licence if the Council is not satisfied that the vehicle is being or has been operated exclusively in accordance with the business plan, then the vehicle will become fully subject to the Cheshire East Borough Council private hire vehicle licence conditions requiring the display of licence plates and private hire signs.

If the exemption notice is withdrawn, the costs in relation to the production of the licence plates will be borne by the operator/vehicle proprietor.

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CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting: 19 October 2009

Report of: Mrs K Khan

Subject/Title: Street trading – designation as ‘prohibited street’

1.0 Report Summary

- 1.1 The report provides details in relation to the designation of streets within the former Borough of Macclesfield and the current proposal in relation to the designation of the A556 as ‘prohibited’ for the purposes of street trading.

2.0 Recommendations

- 2.1 The Licensing Committee is requested, in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:
 - 2.1.1 to designate the A556 (to its extent within the Borough), together with any adjoining streets for a distance of 50 metres, as prohibited streets for the purposes of street trading, with effect from 23rd November 2009; and
 - 2.1.2 to authorise the Borough Solicitor, or officer acting on his behalf, to publish the required notices of the resolution in 2.1.1 above.

3.0 Reasons for Recommendations

- 3.1 The function of designating streets for the purposes of street trading has been delegated to the full Licensing Committee. The background to the recommendation is provided within paragraph 11 below.

4.0 Wards Affected

- 4.1 Bucklow

5.0 Local Ward Members

- 5.1 Cllr J Macrae, Cllr A Knowles, Cllr G Walton

6.0 Policy Implications including - Climate change - Health

- 6.1 The decision to designate is in line with the Council’s existing decisions in relation to the designation of ‘A’ roads.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

- 7.1 If the Committee resolve to designate the streets there will be a cost associated with the publication of the requisite notices to advertise the making of the designation. It is suggested that the costs of the notices will be met within existing budgets.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

- 8.1 Not applicable.

9.0 Legal Implications (Authorised by the Borough Solicitor)

- 9.1 Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 provides that local authorities may, by resolution, designate any street in their district as a prohibited street. The designation of any street may not take effect less than one month from the date of the resolution.

- 9.2 Paragraph 2 further provides the process which the local authority must follow when it designates streets, and states that a resolution may not be passed unless a notice of intention has been published in a local newspaper and served on the chief officer of Police and the relevant Highways Authority. The notice must provide a period of twenty-eight days within which objections may be made. As soon as practicable after the expiry of the objection period the authority is required to consider any representations, after which they may, if they think fit, pass a resolution. If a resolution is made, notice of the resolution is required to be published in a local newspaper for two consecutive weeks.

10.0 Risk Management

- 10.1 If the process set out within Schedule 4 of the Act was not followed then the resolution may be at risk of legal challenge.

11.0 Background and Options

- 11.1 As Members will recall at the meeting on 20 July 2009 the Licensing Committee considered a report in relation to the designation of the A556 as a prohibited street. Members were advised that at the meeting of Macclesfield Borough Council's Licensing Committee on 4th November 2008, the Committee resolved 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. As part of the consultation process in relation to this resolution Cheshire County Council were served with a notice as the Highways Authority. Members were also advised that as a 'trunk' road, the A556 is managed and maintained by the Highways Agency, an executive branch of the Department of Transport. As such the Highways Agency is the relevant Highway Authority in relation to this road rather than Cheshire East Borough Council which is the Highway Authority

in relation to the majority of 'A' roads in the Borough. It was suggested that due to the nature of the A556 and the speed and volume of traffic of all types using it, that mobile traders would cause significant risks to highway safety.

- 11.2 On 20 July 2009 the Licensing Committee resolved to approve 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.
- 11.3 In accordance with the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 a notice was placed in the Knutsford Guardian on 9th September 2009 inviting any representations to the proposal by 7 October 2009. In addition, consultation letters were sent to the Cheshire Constabulary, the Highways Agency and the Highways Department of the Council.
- 11.4 The proposals were noted by both the Highways Department and the Police with no additional comments. The response from the Highways Agency was that of support for the resolution on the grounds of highway safety. One representation was received from a member of the public, which stated:

I have a mobile catering van and have had this business for 24 years, I have been trading on a side road on the A556 for 7 months without any problems.

I have recently been moved of this site when asked by the council. I have consistently worked within the law and would not wish to upset the borough council in any way.

I believe the council are trying for a designation order on the A556 so that no food trailers can park and trade on this site. There is a need this type of facility I offer due to the amount of lorries and trucks that attend my business on a daily basis.

In line with the governments initiate which is to stop when tired take a break and have some refreshment that is the service I offer on this road.

I understand there is no trading on any A road in the borough, and I am enquiring regarding the reasons why there is someone trading on an A road within the borough which I know is licensed by the council, it would seem a blatant case of discrimination towards myself.

- 11.5 On receipt of this representation further comments in relation to the specific site referred to were requested from the Highways Agency. The details of the response from the Highways Agency are set out below:

Regarding this specific site, the main problem is that the lane entrance is approximately 120 metres from the end of the split lane coming from the A56 roundabout and the M56 link road. Vehicles exiting the roundabout which are joining the M56 have to move into lane one and their attention tends to be

focused on merging with the flow of existing lane one vehicles. This leads to potential conflict with vehicles exiting Yarwood Heath Lane.

Vehicles entering the A556 from the M56 link road have their view of the road ahead limited by the curvature of the incoming link. Food trading often relies on impulse stopping which again increases the likelihood of road traffic collisions due to motorists indicating late when making manoeuvres. Some motorists confuse the layby just after Yarwood Heath Lane with the slip to the M56 WB. This also leads to sudden lane changes.

The fact that no serious accident has occurred over the previous seven months does not mean that the location is free from risk.

Given these observations my opinion is that this site is unsuitable as a trading location.

An annotated plan illustrating these points is attached as Appendix A.

- 11.6 In light of the information provided above, the Licensing Committee is invited to designate the A556 (to its extent within the Borough), together with any adjoining streets for a distance of 50 metres, as prohibited streets for the purposes of street trading with effect from 23 November 2009 and to authorise the publication of a notice of making.

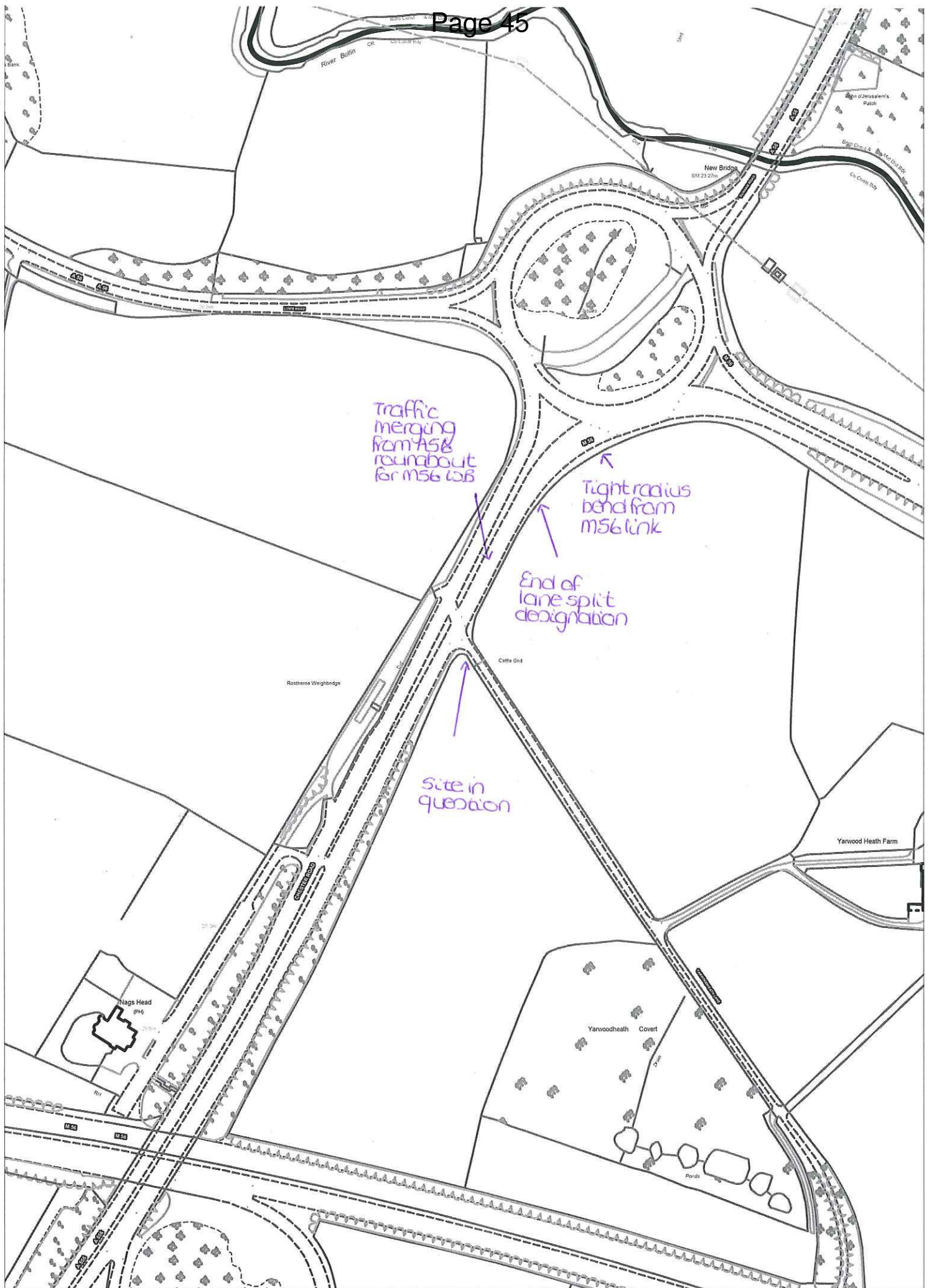
12.0 Overview of Year One and Term One Issues

- 12.1 Not applicable.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Mrs K Khan
Designation: Solicitor
Tel No: (01625) 504264
Email: kate.khan@cheshireeast.gov.uk



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