

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 7th March, 2011 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)
Councillor B H Dykes (Vice-Chairman)

Councillors C Andrew, Rhoda Bailey, W T Beard, H Davenport, W S Davies,
L Gilbert, J Goddard, M Parsons, A Ranfield, C Tomlinson and J Wray

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor
Mr D Hawkes, Team Leader Investigations
Mrs J Zientek, Democratic Services Officer

Apologies

Councillors D Bebbington and M Hardy

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

29 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, four members of the public addressed the meeting.

Mr A Thompson addressed the Committee in relation to the testing of stretched limousines.

Dr L Brown addressed the Committee in relation to Item 6: Sexual Entertainment Venues – Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Mr P Roberts and Mr D Wilcock addressed the Committee in relation to Item 7: Review of Hackney Carriage Service.

Note: With the agreement of the Chairman, Dr Brown, Mr Roberts and Mr Wilcock spoke following the Chairman's introduction of the relevant items of business.

30 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 10 January 2011 be approved as a correct record and signed by the Chairman.

31 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meeting held on 10 January 2011 and the General Licensing Sub-Committee meeting held on 2 February 2011 be received.

32 SEXUAL ENTERTAINMENT VENUES - SCHEDULE 3 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)

The Committee considered a report regarding the responses received following a further period of consultation on the draft policy on the licensing of sexual entertainment venues, which had been amended by the Committee at its meeting on 10 January 2011.

As requested by the Committee at its meeting on 10 January 2011, the report also detailed the time and costs involved in the processing of applications for sexual entertainment licences.

RESOLVED

(a) That the draft policy on the licensing of sexual entertainment venues be approved, subject to the following amendments:

- (1) that the words 'application for a licence' in the last sentence of condition 16(a) be replaced with 'first application for a licence and any current version with any subsequent application for grant, renewal, transfer or variation of a licence.'
- (2) that condition 21 be amended to read: 'Performers not currently performing shall not be in any public part of the Premises in a state of undress.'
- (3) that condition 34 be amended to read as follows:

'The Licence Holder shall at all times keep and maintain at the Premises a written record of the names, *home* addresses, dates of birth *and National Insurance number* of all persons employed within the licensed premises whether upon a full time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him.'

- (4) that in paragraph 17 of the committee procedure 'of' be amended to 'or'.

- (5) that the committee procedure be amended to clarify that representatives of an objector may include an MP, local Councillor, legal representative or a friend, and to add to paragraph 1 the requirement for the Chairman to consider any request made by a party for another person to appear at the hearing.
- (b) That the fee levels in relation to sexual entertainment venue applications be as follows:
 - new applications : £2,280
 - renewal applications : £1,140
 - transfer applications : £500
 - variation applications. £2,280

33 REVIEW OF HACKNEY CARRIAGE SERVICE

The Committee considered a report detailing the results of a consultation exercise which had been undertaken in relation to the hackney carriage service within the Borough.

The consultation document had requested views on the number and location of taxi ranks throughout the Borough, and future policy in relation to the numbers of hackney carriages, the tables of hackney carriage fares and the hackney carriage vehicle conditions within each of the three zones.

RESOLVED

- (a) That it be recommended to Cabinet or the Cabinet Member for Safer & Stronger Communities that an unmet demand survey be commissioned in all three of the hackney carriage zones.
- (b) That fares in each of the three hackney carriage zones within the Borough be increased by 10%, and that the Borough Solicitor, or an officer acting on her behalf, be authorised to publish notice of the proposals in each of the three zones, making provision for any objections to be submitted within the statutory consultation period of fourteen days; and
- (c) That, if no objections are received within the statutory consultation period, or if any objections that are received are withdrawn, the table of fares will come into operation in each of the three zones on the date of the expiration of the consultation period; and
- (d) That it be noted that if objections are received and not withdrawn, these will be reported to a future meeting of the Licensing Committee for consideration.

- (e) That officers be requested to produce a draft set of hackney carriage vehicle conditions for each of the three zones, based on the existing private hire vehicle specification, to include a requirement that all new hackney carriages be wheelchair accessible and provision for the increased testing of vehicles rather than an age limit for vehicles. The draft conditions, together with information on the testing of trailers and tinted windows, to be considered at a future meeting of the Committee; and
- (f) That officers be requested to draft vehicle test guidelines which reflect the requirements of the draft conditions, for consideration at a future meeting of the Committee.
- (g) That the Cabinet Member for Safer & Stronger Communities be recommended to authorise the Borough Solicitor, or officer acting on her behalf, to provide notice in accordance with the requirements of section 63 of the 1976 Act, in relation to the proposed variation of hackney carriage stands set out within paragraph 10.5 of the report; and
- (h) That officers be authorised to seek the consent of the Highway Authority in relation to the proposed variation to hackney carriage stands set out within paragraph 10.5 of the report; and
- (i) That it be noted that, subject to the consent of the Highway Authority being received, if no objections or representations are received within the statutory consultation period, the variation to the hackney carriage stands will come into effect on the day after the last day of the consultation period; and
- (j) That it be noted that if objections or representations are received within the statutory consultation period, these will be reported to a future meeting for consideration.
- (k) That officers be authorised to engage in discussions with the Highway Authority about the location and number of taxi ranks in each of the three hackney carriage zones.

34 LICENCE FEES - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS

The Committee considered a report regarding the fees charged by the Council for licences relating to hackney carriage and private hire vehicles, drivers and operators, which had been set at a meeting of the Licensing Committee on 20 July 2009.

RESOLVED

- (a) That, subject to statutory consultation, the fees for licences relating to private hire vehicles and operators across the Borough, and fees applicable to hackney carriage proprietors (vehicle) and joint drivers licences in each of the three hackney carriage zones, be increased by 3.7%, as set out in column 3 of Appendix A of the report.
- (b) That the Borough Solicitor, or officer acting on her behalf, be authorised to publish notice of the proposed variation in accordance with statutory requirements.
- (c) That it be noted that if no objections are received in response to publication of the notice (or if any objections received are withdrawn), the variation to the fees will take effect on the expiration of the period specified in the notice or, if later, the date that the last objection is withdrawn.
- (d) That it be noted that if objections are received in response to the publication of the notice, that these will be reported to a subsequent meeting of the Licensing Committee for consideration.

The meeting commenced at 2.00 pm and concluded at 5.05 pm

Councillor P Whiteley (Chairman)