

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 14th January, 2013 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor P Whiteley (Chairman)  
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, Rhoda Bailey, H Davenport, I Faseyi, M Hardy,  
A Harewood, D Mahon, M Parsons, M Sherratt, L Smetham and J Wray

## **OFFICERS IN ATTENDANCE**

Fiona Crane, Lawyer  
Kim Evans, Licensing Team Leader  
Julie Zientek, Democratic Services Officer

## **Apologies**

Councillors D Bebbington and G Wait

## **22 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **23 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

## **24 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 5 November 2012  
be approved as a correct record and signed by the Chairman.

## **25 MINUTES OF LICENSING SUB-COMMITTEES**

RESOLVED – That the minutes of the Licensing Act Sub-Committee  
meetings held on 25 October 2012 and 22 November 2012 and the  
General Licensing Sub-Committee meetings held on 22 October 2012, 19  
November 2012, 3 December 2012 and 17 December 2012 be received.

## **26 DRAFT STREET TRADING POLICY**

The Committee received a presentation on Street Trading by the Licensing  
Team Leader and considered a report regarding a proposed Street  
Trading Policy.

All applications for a Street Trading Consent were processed in accordance with the policy or working practice adopted in each of the former Boroughs, as the Council did not have a Borough-wide Street Trading Policy.

RESOLVED - That the Licensing Team Leader be authorised to undertake formal consultation on the proposed Street Trading Policy, subject to the following amendments:

- (a) That the typographical errors in paragraphs 5.3 and 6.1 be corrected (objects to objections and training to trading).
- (b) That reference to recycling bins be added under the heading 'Prevention of nuisance or annoyance' in paragraph 7.1.
- (c) That applicants be required to consult with the relevant Council department with respect to the disposal of refuse.
- (d) That a condition be attached to each consent requiring refuse to be disposed of in accordance with the statement on the application form.
- (e) That the reference to (1) in the first sentence of the second paragraph under the heading 'Street Trading – Street Designations (Macclesfield District)' be clarified.
- (f) That on the second page of the application form 'Trading Site' (give Area...) be amended so that the examples given are not the names of former Borough Council areas.

## **27 PENALTY POINTS SYSTEM FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Committee received a presentation on Licensed Driver Penalty Points Schemes by the Licensing Team Leader and considered a report regarding a proposed Hackney Carriage and Private Hire Licensing Penalty Points Policy.

A penalty points scheme would ensure that minor breaches or misdemeanours were recorded and would identify licence holders whose actions fell short of what was expected or would cause the safety of the public to be undermined. It would also give licence holders a clear indication of what was expected of them and what action the Council would take in respect of breaches of legislation, conditions, or byelaws, thereby raising compliance within the trade.

RESOLVED – That the Licensing Team Leader be authorised to undertake formal consultation on the proposed Hackney Carriage and Private Hire Licensing Penalty Points Policy, subject to the following amendments:

- (a) That the number of penalty points to be issued for 9 (Failure to display fare card) be 6.
- (b) That the number of penalty points to be issued for 10 (Failure to carry Driver/Vehicle Conditions in vehicle) be 6.
- (c) That the typographical error in 14 be corrected.

- (d) That the number of penalty points to be issued for 14 (Failure to carry a fire extinguisher, first aid kit, warning triangle, or fluorescent jacket) be 3 – 6 per item.
- (e) That the number of penalty points to be issued for 27 (Carrying more passengers than stated on the vehicle licence) be 12.
- (f) That the number of penalty points to be issued for 28 (Using a non-approved or non-calibrated taximeter) be 12.
- (g) That the number of penalty points to be issued for 42 (Carrying an offensive weapon in the vehicle) be 9 – 12.
- (h) That the typographical error in 54 be corrected.
- (i) That the trigger for referral of a licence holder to the General Licensing Sub-Committee be the accumulation of 12 or more penalty points in a 12 month rolling period OR 18 or more penalty points in the period during which the licence is held.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor P Whiteley (Chairman)