

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 30th September, 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 H Davenport, I Faseyi, M Hardy, A Harewood, D Mahon,
M Parsons, M Sherratt, G Wait and J Wray

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors L Brown and L Gilbert

OFFICERS PRESENT

Tracey Bettaney, Public Protection and Health Manager
Fiona Crane, Lawyer
Kim Evans, Licensing Team Leader
Julie Zientek, Democratic Services Officer

Apologies

Councillors C Andrew, Rhoda Bailey, D Bebbington and L Smetham

15 DECLARATIONS OF INTEREST

In the interests of openness, Councillors H Davenport and J Wray declared that they were Members of the Corporate Scrutiny Committee, which had considered the draft revised Statement of Licensing Policy at its meeting on 10 September 2013.

16 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, Ms Marshall attended the meeting and addressed the Committee in relation to Item 9: Statement of Licensing Policy Review.

Councillor L Brown, Councillor L Gilbert, Guy Kilminster (on behalf of the Health and Wellbeing Board) and Heather Grimbaldston (Director of Public Health) also attended the meeting and, with the agreement of the Chairman, addressed the Committee in relation to Item 9: Statement of Licensing Policy Review.

Note: With the agreement of the Chairman, all speakers addressed the Committee prior to its consideration of the relevant item of business.

17 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 16 July 2013 be approved as a correct record and signed by the Chairman.

18 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meetings held on 4 July 2013, 29 July 2013, 15 August 2013, 22 August 2013 and 4 September 2013, and the General Licensing Sub-Committee meetings held on 25 July 2013 and 16 September 2013 be received.

19 IMPLEMENTATION OF THE SCRAP METAL DEALERS ACT 2013

The Committee considered a report regarding the provisions of the Scrap Metal Dealers Act 2013, which was designed to provide a more robust scheme for monitoring the scrap metal industry and would be coming into force on 1 October 2013.

The current overlapping regimes for the vehicle salvage and scrap metal industries would be incorporated in a single regulatory system that reflected the current scope of the scrap metal industry. Local authorities were being given the power to better regulate these industries by being able to refuse to grant a licence to 'unsuitable' applicants and to revoke licences if the dealer became 'unsuitable'.

RESOLVED – That Council be recommended:

- (a) To approve the scheme of implementation and delegations, as set out in Appendix 2 to the report.
- (b) To approve the details of the Suitable Person Test to be employed by Cheshire East Council, as set out in Appendix 1 to the report.
- (c) To approve the following fees and charges in relation to Scrap Metal Dealers licensing activities:

Site Licence: £160.00

Collectors Licence: £160.00

20 NVQ LEVEL 2 CERTIFICATE IN ROAD PASSENGER VEHICLE DRIVING (TAXI AND PRIVATE HIRE)

The Committee considered a report regarding the NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire).

At its meeting on 23 May 2013, the Committee had resolved that all new applications for a Joint Hackney Carriage and Private Hire Driver Licence should be accompanied by a certificate confirming that the applicant has passed the BTEC Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver.

Members had also requested that further information be provided on the feasibility of requiring existing licensed drivers to undertake the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver).

RESOLVED - That the Licensing Team Leader be authorised to undertake formal consultation with the existing licensed trade and public (via the Council's web-site) on the following proposals:

1. That all those granted a joint driver licence after the date specified by the Committee be required to complete the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) within 3 years of being issued their licence
2. That joint driver licence holders complete the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) within 3 years of the date specified by the Licensing Committee
3. That any joint drivers who have already undertaken the NVQ be exempt from this requirement on production of their original certificate (or certified copy) from the awarding body
4. That any joint drivers who have already undertaken a similar qualification at the same level or higher (this would not include the BTEC) be exempt from this requirement on production of their original certificate (or certified copy) from the awarding body

21 PRACTICAL DRIVING ASSESSMENT FOR JOINT DRIVER LICENCE APPLICANTS

The Committee considered a report regarding a proposed practical driving assessment for applicants for joint Hackney Carriage and Private Hire driver licences.

At its meeting on 23 May 2013, the Committee had requested the Licensing Team Leader to investigate the feasibility of conducting physical assessments of applicants' driving skills.

RESOLVED - That the Licensing Team Leader be authorised to undertake formal consultation with the existing licensed trade and public (via the Council's web-site) on the proposals to test applicants' driving skills, as set out in appendices 2 and 3 of the report, and on the proposal to use the assessment in relation to existing drivers where concerns are raised about their driving.

22 STATEMENT OF LICENSING POLICY REVIEW

The Committee considered a report regarding a draft revised Statement of Licensing Policy, which included responses received during the consultation period and Licensing Officer comments.

The Council was required to review its existing statement of Licensing Policy and publish a revised version by no later than 31 January 2014. A consultation exercise had been undertaken and the draft revised Policy

had been considered by the Licensing Committee on 16 July 2013 and the Corporate Scrutiny Committee on 10 September 2013.

RESOLVED

1. That the draft revised Statement of Licensing Policy, as set out in Appendix 1 to the report, be amended as follows:
 - (a) That references to Local Authority be replaced with 'the Council'.
 - (b) That the bullet points in paragraph 1.3 be replaced with the following:
 - Cheshire East has a strong and resilient economy
 - People live well and for longer
 - (c) That the following paragraphs be inserted following paragraph 1.3:

'The context of the policy includes the Council's statutory responsibility under the Health and Social Care Act 2012 for the health of the population of Cheshire East and it is noted that it is a priority of the local Health and Wellbeing Board to reduce alcohol related harm.'

'The context of the policy includes the Council's statutory duty under the Crime and Disorder Act 1998 to have regard to the need to do all that it reasonably can to prevent crime and disorder, misuse of drugs and alcohol and reoffending in its area.'
 - (d) That the date of the latest guidance in paragraph 1.4 be amended to June 2013.
 - (e) That the first sentence of paragraph 2.9 be amended to read: 'Following Relevant Representations the Licensing Authority will only depart from this policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full.'
 - (f) That the first sentence of paragraph 2.11 be amended to read: 'To achieve its aims the Council is committed to working in partnership with the Responsible Authorities, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act.'
 - (g) That the numbering of paragraph 3.6 be amended to 3.3.
 - (h) That the first sentence of paragraph 5.2 be amended to read: 'The Council recognises that Licensed Premises are an important contributor to the local economy.'
 - (i) That the first sentence of paragraph 7.7 be amended to read: 'Following Relevant Representations, conditions may need to be imposed for certain types of venues to *seek to eliminate the* sale and

consumption of drugs and to create a safer environment for those who may have taken them.'

- (j) That the following sentence be added to paragraph 9.4:
'Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.'
 - (k) That in paragraph 9.4 the reference to noise ventilation systems be removed.
 - (l) That in paragraph 9.5 references to 'noise' be replaced with 'any noise'.
 - (m) That the typing error in paragraph 10.4 be corrected.
 - (n) That the first sentence of paragraph 11.12 be amended to read:
'Applications for variations to existing premises licenses in stress areas will not be granted WHERE those modifications directly affect the issue of cumulative impact in the stress area or otherwise undermine licensing objectives.'
 - (o) That the last sentence of paragraph 15.2 be amended to read: 'The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.'
 - (p) That 'of' be replaced with 'or' in the final line of paragraph 21.4.
 - (q) That 'The Cheshire East Health and Wellbeing Board' be added as an additional bullet point in paragraph 23.1.
 - (r) That the reference to police objections to Temporary Event Notices in Appendix 1 be replaced with 'relevant objections'
2. That the meeting be adjourned to a date to be agreed, to give further consideration to the draft revised Statement of Licensing Policy.

The meeting commenced at 2.00 pm and concluded at 5.03 pm

Councillor P Whiteley (Chairman)