

Licensing Committee Agenda

Date: Monday, 8th September, 2014
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

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary 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.

Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

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

To approve the minutes of the meeting held on 14 January 2014.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 56)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

10 January 2014
19 February 2014
18 March 2014
7 May 2014
16 May 2014
18 July 2014
1 August 2014

General Licensing Sub-Committee

21 January 2014
17 February 2014
17 March 2014
22 April 2014
6 June 2014
25 June 2014
7 July 2014
20 August 2014

6. **Draft Charitable Collection Policy** (Pages 57 - 72)

To consider a proposed Charitable Collections Policy and the outcome of the consultation exercise.

7. **Designation of Streets within the Borough for the Purposes of Street Trading**
(Pages 73 - 94)

To consider proposed amendments to the current designation of streets for the purposes of regulating street trading.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Tuesday, 14th January, 2014 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, D Bebbington, H Davenport, I Faseyi,
M Hardy, A Harewood, D Mahon, M Parsons, L Smetham, G Wait and J Wray

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor L Brown

OFFICERS PRESENT

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

Apologies

Councillors M Sherratt

25 DECLARATIONS OF INTEREST

There were no declarations of interest.

26 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, Mr J Roberts, representing Cheshire Police, attended the meeting and addressed the Committee in relation to Item 7: Late Night Levy and Early Morning Restriction Orders.

Councillor L Brown and Guy Kilminster also attended the meeting and, with the agreement of the Chairman, addressed the Committee in relation to Item 7: Late Night Levy and Early Morning Restriction Orders.

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

27 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meetings held on 30 September 2013 and 11 October 2013 be approved as a correct record and signed by the Chairman.

28 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meetings held on 26 September 2013, 21 October 2013, 2 December 2013 and 16 December 2013, and the General Licensing Sub-Committee meetings held on 11 November 2013 and 17 December 2013 be received.

29 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

The Committee considered a report regarding the implementation of a Late Night Levy and the making of Early Morning Restriction Orders.

The Police Reform and Social Responsibility Act 2011 gave Licensing Authorities the power to introduce a charge for premises that have an alcohol licence with a terminal hour after midnight (a Late Night Levy). Where a Late Night Levy was implemented, relevant businesses would be required to make a contribution towards the enforcement costs associated with the night-time economy.

The provisions of the Licensing Act 2003 had also been amended, to give Licensing Authorities the power to make Early Morning Restriction Orders, which would restrict the sale of alcohol in a particular area for a specified period between the hours of midnight and 6:00am.

RESOLVED – That a Working Group, formed from Members of the Licensing Committee, be set up to identify options which may reduce the harmful effects of alcohol consumption within the Cheshire East area.

30 DESIGNATED PUBLIC PLACE ORDERS

A motion requesting that consideration be given to making Designated Public Place Orders for areas of Cheshire East had been submitted to Council on 17 October 2013 and referred to the Licensing Committee for consideration.

The Committee considered a report regarding Designated Public Place Orders and the areas that had been designated as Public Places by the former Borough Councils.

The Criminal Justice and Police Act 2001 gave Local Authorities the power to make Orders designating areas as Public Places. A Police Officer could require a person who had recently drunk alcohol or intended to drink alcohol in a Designated Public Place to stop drinking the alcohol or

surrender the drinking vessel. Individuals failing to comply with such a request may be subject to further action.

All three former Borough Councils had made Orders designating Public Places.

The Anti-Social Behaviour, Crime and Policing Bill, which was currently at the Committee stage in the House of Lords, sought to replace Designated Public Place Orders with Public Spaces Protection Orders, which would enable Local Authorities to prohibit any type of activity, not just the consumption of alcohol, provided that certain conditions were met. Any extant Designated Public Place Orders would become Public Spaces Protection Orders three years after the commencement of the relevant provisions of any Act.

RESOLVED

- (a) That the content of the report be noted;
- (b) That Designated Public Place Orders be further considered by the Licensing Committee Working Group.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 10th January, 2014 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors I Faseyi and J Wray

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer

Fiona Crane, Lawyer

Kim Evans, Licensing Team Leader

Julie Zientek, Democratic Services Officer

36 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

37 DECLARATIONS OF INTEREST

There were no declarations of interest.

38 APPLICATION TO VARY A PREMISES LICENCE AT VARIETY KEBAB HOUSE, 19B WELSH ROW, NANTWICH, CHESHIRE, CW5 5ED

The Sub-Committee considered a report regarding an application to vary a Premises Licence at Variety Kebab House, 19B Welsh Row, Nantwich.

The following attended the hearing and made representations with respect to the application:

- a representative of the applicant
- a representative of Cheshire Police

After a full hearing 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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED – That the application to vary a Premises Licence at Variety Kebab House, 19B Welsh Row, Nantwich be refused.

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 10.58 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 19th February, 2014 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors H Davenport and M Hardy

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer

Fiona Crane, Lawyer

Julie Zientek, Democratic Services Officer

39 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

40 DECLARATIONS OF INTEREST

There were no declarations of interest.

41 APPLICATION FOR A PREMISES LICENCE - THE YARD, 32 SOUTH STREET, ALDERLEY EDGE, SK9 7ES

The Sub-Committee considered a report regarding an application for a Premises Licence for The Yard, 32 South Street, Alderley Edge, SK9 7ES.

The following attended the hearing and made representations with respect to the application:

- a representative of the Environmental Health Service
- the applicant and representatives of the applicant
- a solicitor representing the applicant
- a local resident, who also represented other residents
- Councillor F Keegan, Ward Councillor, representing local residents who had made relevant representations

The Licensing Officer reported that one objector had withdrawn their objection to the application.

It was also noted that, since the publication of the committee report, the application for Live Music had been withdrawn.

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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED

- (a) That the application for a premises licence be granted as applied for
- (b) That the following agreed conditions, proposed by the Environmental Health Officer, be attached to the premises licence:
 1. The Termination Hour on any day of the year is 23.00
 2. Regular external monitoring of noise shall be undertaken during evenings/entertainment and a written record kept of the monitoring in a log book including date, time, position of the monitoring and result including any remedial action and the name of the person undertaking the monitoring/action. The log should be made available to officers of the council on request. Monitoring of noise should be undertaken at the boundary of residential properties and should address both music noise and people noise. Steps will be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.
 3. All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress.
 4. The outside car park/yard area shall not be used for regulated entertainment.
 5. There shall be no temporary or permanent speakers for the use of amplified music, speech or dance, permitted within the outside car park/yard area.
 6. Noise from patrons outside the premise building shall be monitored and controlled by a responsible person during evening periods.
 7. The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the premises shall ensure that the Premises, including the car park, are vacated quietly within thirty minutes of the terminal hour of the Licence, and that proper supervision of all persons leaving the car park or otherwise leaving the Premises is provided. Customers should be asked to leave the area quickly and quietly.

8. There shall be notices located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.
 9. There shall be no disposal of glass bottles or other “noise generative“ waste outside the premises between the hours of 21.00 and 09.00.
- (c) That the following further conditions be attached to the premises licence:
- Smoking area to be placed at the rear of the building and to be designed to the satisfaction of the Environmental Health Department
 - A scheme of sound insulation shall be submitted to the Authority for approval and subsequent implementation to the satisfaction of the Environmental Health team before any recorded music is played in accordance with this licence.
 - No alcohol in open containers or glasses to be taken or drunk outside on the premises after 21.00

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

42 APPLICATION FOR A PREMISES LICENCE - SASSO RESTAURANT, 7 MARKET STREET, DISLEY, SK12 2AA

The Sub-Committee considered a report regarding an application for a Premises Licence for Sasso Restaurant, 7 Market Street, Disley.

The following attended the hearing and made representations with respect to the application:

- the applicant
- a solicitor representing 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:

- 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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application for a premises licence be granted as applied for.

The meeting commenced at 10.00 am and concluded at 1.40 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 18th March, 2014 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors A Harewood and D Mahon

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer
Fiona Crane, Lawyer
Sheela Dutton, Lawyer (Observer)
Kim Evans, Licensing Team Leader
Aoife Ryan, Solicitor (Observer)
Julie Zientek, Democratic Services Officer

43 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

44 DECLARATIONS OF INTEREST

There were no declarations of interest.

45 APPLICATION TO VARY A PREMISES LICENCE AT THE SHAKESPEARE, 35 BEAM STREET, NANTWICH, CW5 5NA

The Sub-Committee considered a report regarding an application to vary the Premises Licence for The Shakespeare, 35 Beam Street, Nantwich, Cheshire CW5 5NA.

The following attended the hearing and made representations with respect to the application:

- a representative of the applicant
- a legal representative on behalf of the applicant
- local residents

It was noted that the majority of the proposed structural alterations to the layout of the premises had been removed from 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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED

- (a) That the application for a variation to the Premises Licence, as amended by the applicant, be granted.
- (b) That the following additional conditions be attached to the premises Licence:
 1. That no alcohol in open containers be taken outside the premises except in the beer garden
 2. Lights shall be shielded so that they do not cause a nuisance to nearby residents, to the satisfaction of the Environmental Health Department.
 3. Additional wording to Condition 4 in Annex 2 to the existing licence: after the word "constable" add "and authorised officers of the local authority"

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

46 APPLICATION FOR A PREMISES LICENCE AT A & K E-SHOPS LTD, 117A WEST STREET, CREWE, CW1 3HH

The Sub-Committee considered a report regarding an application for a Premises Licence for A & K E-Shops Ltd, 117a West Street, Crewe, CW1 3HH.

The following attended the hearing and made representations with respect to the application:

- three representatives of the applicant
- Councillor I Faseyi, Ward Councillor
- a representative of Cheshire Police

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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application for a premises licence be refused.

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 1.30 pm and concluded at 4.55 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 7th May, 2014 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors D Bebbington and W S Davies

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer

Sheela Dutton, Lawyer

Julie Zientek, Democratic Services Officer

47 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 APPLICATION TO VARY A PREMISES LICENCE AT THE COBBLES TEA ROOM, 5 CHURCH VIEW, HOLMES CHAPEL, CHESHIRE

The Sub-Committee considered a report regarding an application to vary a Premises Licence at The Cobbles Tea Room, 5 Church View, Holmes Chapel.

The following attended the hearing and made representations with respect to the application:

- the applicant and three supporters of the applicant
- two local residents and a representative of local residents

After a full hearing 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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application to vary a Premises Licence at The Cobbles Tea Room, 5 Church View, Holmes Chapel be granted as applied for.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 11.05 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 16th May, 2014 at Council Chamber - Town Hall, Macclesfield,
SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors D Mahon and G Wait

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer
Kim Evans, Licensing Team Leader
Aoife Ryan, Solicitor
Julie Zientek, Democratic Services Officer

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A PREMISES LICENCE AT SANDBACH UNITED COMMUNITY FOOTBALL CLUB, HIND HEATH ROAD, SANDBACH, CHESHIRE CW11 3LZ

The Sub-Committee considered a report regarding an application for a Premises Licence for Sandbach United Community Football Club, Hind Heath Road, Sandbach, Cheshire CW11 3LZ.

The following attended the hearing and made representations with respect to the application:

- two representatives of the applicant
- two representatives of local residents

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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application for a premises licence be granted as applied for, subject to the following additional conditions:

1. That the Challenge 25 scheme be implemented
2. There are to be no open containers, bottles or cans taken outside the premises. All alcohol must be consumed inside the premises.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

Note: Councillor G Wait requested that it be minuted that she had voted against granting the premises licence, on the grounds of public nuisance.

4 APPLICATION TO VARY A CLUB PREMISES CERTIFICATE AT ALDERLEY EDGE CRICKET CLUB, MOSS LANE, ALDERLEY EDGE, CHESHIRE, SK9 7HN

The Sub-Committee considered a report regarding an application to vary a Club Premises Certificate at Alderley Edge Cricket Club, Moss Lane, Alderley Edge, Cheshire, SK9 7HN.

The following attended the hearing and made representations with respect to the application:

- three representatives of the applicant
- a solicitor representing the applicant

After a full hearing 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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application to vary the Club Premises Certificate at Alderley Edge Cricket Club, Moss Lane, Alderley Edge be granted as applied for.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 11.00 am and concluded at 3.25 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 18th July, 2014 at Committee Suite 1, Westfields, Middlewich
Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors W S Davies and J Wray

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer

Sheela Dutton, Lawyer

Kim Evans, Licensing Team Leader

Julie Zientek, Democratic Services Officer

5 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 APPLICATION TO VARY A PREMISES LICENCE AT THE FOLKS, 45 HIGH STREET, SANDBACH CW11 1AL

The Sub-Committee considered a report regarding an application to vary a Premises Licence at The Folks, 45 High Street, Sandbach.

The following attended the hearing and made representations with respect to the application:

- a representative of the applicant
- a local resident

After a full hearing 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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application to vary a Premises Licence at The Folks, 45 High Street, Sandbach be granted as applied for, subject to the following additional conditions:

- (1) The premises licence holder will, if he/she receives written notification from the Police Licensing Officer that they are required to do so, provide a minimum of 2 door supervisors every Friday and Saturday from 8pm until the premises close to the public.
- (2) No windows or doors are to be open after 23.00 hours except for access and egress.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 10.00 am and concluded at 10.45 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 1st August, 2014 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors D Bebbington and I Faseyi

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer
Iolanda Puzio, Legal Team Manager - Places
Julie Zientek, Democratic Services Officer

8 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

9 DECLARATIONS OF INTEREST

There were no declarations of interest.

10 APPLICATION FOR A PREMISES LICENCE AT CREWE SUPERMARKET, 96 NANTWICH ROAD, CREWE, CHESHIRE CW2 6AT

The Sub-Committee considered a report regarding an application for a Premises Licence for Crewe Supermarket, 96 Nantwich Road, Crewe, Cheshire CW2 6AT.

The following attended the hearing and made representations with respect to the application:

- the applicant
- a solicitor representing the applicant
- two representatives of local residents

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 oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application for a premises licence be granted as applied for, subject to the following additional conditions:

1. The Challenge 25 Scheme will be implemented
2. A CCTV system will be installed at the premises to the satisfaction of the police and it will record continuously whilst the premises are open to the public
3. No nuisance shall be caused by noise coming from the premises.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 10.00 am and concluded at 11.50 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Tuesday, 21st January, 2014 at Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors D Bebbington, W S Davies, D Mahon and L Smetham

OFFICERS IN ATTENDANCE

Fiona Crane, Lawyer

Kim Evans, Licensing Team Leader

Jim Hopper, Licensing Officer

Julie Zientek, Democratic Services Officer

38 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

39 APOLOGIES FOR ABSENCE

There were no apologies for absence.

40 DECLARATIONS OF INTEREST

There were no declarations of interest.

41 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

42 13-14/17 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the licence be revoked.

The Licence Holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

43 13-14/18 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The applicant attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that the application to renew the licence be granted.

44 13-14/19 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the licence be revoked.

The Licence Holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

45 13-14/20 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and a supporter of the applicant attended the hearing and made representations in respect of 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 all the evidence, 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.

46 13-14/21 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 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 all the evidence, 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 2.50 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 17th February, 2014 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, Rhoda Bailey, A Harewood and M Parsons

OFFICERS IN ATTENDANCE

Fiona Crane, Solicitor

Vilma Robson, Licensing Officer

Jim Hopper, Licensing Officer

47 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor P Whiteley be appointed Chairman for the meeting.

48 APOLOGIES FOR ABSENCE

There were no apologies for absence.

49 DECLARATIONS OF INTEREST

There were no declarations of interest.

50 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 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

Paragraph 1 - Information relating to any individual.

Paragraph 2 - Information which is likely to reveal the identity of an individual.

51 13-14/22 APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE AND THE REMOVAL OF A HACKNEY CARRIAGE VEHICLE CONDITION

The Sub-Committee considered a report regarding an application for the grant of a Hackney Carriage Vehicle Licence and the removal of a Hackney Carriage Vehicle condition.

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 Vehicle Licence and the removal of a Hackney Carriage Vehicle condition should be granted.

The applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application including an inspection of the vehicle by the Committee, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

The Sub-Committee determined that for public safety reasons it would not apply an exemption to its vehicle conditions to allow a lap only type belt on the centre rear seat and therefore refused to grant a Hackney Carriage Vehicle Licence.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

52 13-14/23 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 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 all the evidence, 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 it determined to grant the application for a Joint Hackney Carriage/Private Hire Drivers Licence, for a period of one year so that the applicant could show compliance with legal requirements.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

53 13-14/24 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and his wife attended the hearing and made representations in respect of 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 all the evidence, 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 subject to the condition that the applicant has the continuing right of residency in UK and evidence of this is given to the Licensing Team when requested.

The Sub-Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

(The meeting adjourned for lunch from 1.20pm until 2.00pm).

54 13-14/25 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and his two representatives attended the hearing and made representations in respect of 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 all the evidence, 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.

55 13-14/26 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 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 all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be refused.

The Sub-Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 4.15 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 17th March, 2014 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, A Harewood, L Smetham and J Wray

OFFICERS IN ATTENDANCE

Fiona Crane, Solicitor
Kim Evans, Licensing Team Leader
Jim Hopper, Licensing Officer
Aoife Ryan, Litigation Solicitor

10 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor P Whiteley be appointed Chairman for the meeting.

11 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12 DECLARATIONS OF INTEREST

There were no declarations of interest.

13 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 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

Paragraph 1 - Information relating to any individual.

Paragraph 2 - Information which is likely to reveal the identity of an individual.

14 13-14/28 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

(During consideration of the item, Councillor J Wray arrived to the meeting. He was asked to wait outside the room until a decision by the Committee was made. He was then invited back into to consider the remaining items on the agenda).

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Licence holder attended the hearing and made representations in respect of their application.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

That the Licence holder is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence should not be renewed.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

15 13-14/29 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and her supporter attended the hearing and made representations in respect of 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 all the evidence, the following course of action had been agreed.

RESOLVED:

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

The Sub-Committee hereby gave the applicant a warning regarding their future good behaviour. This warning would be noted on their file.

(The meeting adjourned for a short break).

16 13-14/27 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Licence holder attended the hearing and made representations in respect of their application.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

That the Licence holder is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence should be revoked.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

(The meeting adjourned for lunch).

17 13-14/30 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and his supporter attended the hearing and made representations in respect of 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 all the evidence, the following course of action had been agreed.

RESOLVED:

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

The Sub-Committee hereby gave the applicant a warning regarding their future good behaviour. This warning would be noted on their file.

18 13-14/31 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 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 all the evidence, the following course of action had been agreed.

RESOLVED:

That the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be granted for a 12 month period which would be subject to a review to be considered by the Sub-Committee. As part of the review the applicant would be required to bring a reference from an employer and a DBS Certificate at his own expense.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 4.25 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Tuesday, 22nd April, 2014 at The Tatton Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, Rhoda Bailey, H Davenport and M Parsons

OFFICERS IN ATTENDANCE

Sheila Dutton, Lawyer
Kim Evans, Licensing Team Leader
Jim Hopper, Licensing Officer
Aoife Ryan, Licensing Solicitor

19 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor P Whiteley be appointed Chairman for the meeting.

20 APOLOGIES FOR ABSENCE

There were no apologies for absence.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 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 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

Paragraph 1 - Information relating to any individual.

Paragraph 2 - Information which is likely to reveal the identity of an individual.

23 13-14/32 APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE, EXEMPTION FROM THE REQUIREMENT TO DISPLAY LICENCE PLATES ON A PRIVATE HIRE VEHICLE AND THE REMOVAL OF PRIVATE HIRE VEHICLE CONDITIONS

The Sub-Committee considered a report regarding an application for the grant of a Private Hire Vehicle Licence and the removal of a Hackney Carriage Vehicle condition.

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 subject to condition 10 and exempt from conditions 7 and 8 of the Private Hire Vehicle Conditions should be granted.

The applicant and her husband attended the Hearing and made representations in respect of the application.

After a full hearing of the application including an inspection of the vehicle by the Committee, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

The decision of the Sub-Committee was to grant a private hire vehicle licence for the carriage of 6 passengers and to grant the licence subject to condition 10 as an 'executive limousine' thereby exempting it from conditions 7 and 8 of the Private Hire Vehicle Licence Conditions.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

24 13-14/33 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Licence holder and a Supporter attended the Hearing and made representations in respect of the application.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

That the Licence holder is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence should not be renewed.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

(The meeting adjourned for lunch from 12.45pm until 1.15pm).

25 13-14/34 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub Committee were informed that the Licence Holder had not received a letter informing him of the meeting.

RESOLVED

That the item be adjourned to a future meeting in order to allow the Licence Holder to attend.

26 13-14/35 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and his representative attended the Hearing and made representations in respect of 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 all the evidence, the following course of action had been agreed.

RESOLVED:

That the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be granted

for a 12 month period which would be subject to a review by the Sub-Committee. As part of the review the applicant would be required to bring a reference from his employer at that time and a current DBS Certificate applied for at his own expense.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 2.30 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Friday, 6th June, 2014 at The Tatton Room - Town Hall, Macclesfield
SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, W S Davies, L Smetham and J Wray

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer

Vilma Robson, Licensing Officer

Aoife Ryan, Solicitor

Julie Zientek, Democratic Services Officer

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

5 14-15/1 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and a supporter of the applicant attended the hearing and made representations in respect of 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 all the evidence, 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.

6 14-15/2 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that no further action be taken.

7 14-15/3 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That a formal warning be issued with respect to the licence holder's conduct.
- (b) That the licence holder remains at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

8 14-15/4 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 was not in attendance at the hearing.

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 the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence be refused.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 2.30 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Wednesday, 25th June, 2014 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor W S Davies (Chairman)

Councillors C Andrew, A Harewood, D Mahon and M Parsons

OFFICERS IN ATTENDANCE

Sheela Dutton, Lawyer
Kim Evans, Licensing Team Leader
Jim Hopper, Licensing Officer
Julie Zientek, Democratic Services Officer

9 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor S Davies be appointed Chairman.

10 APOLOGIES FOR ABSENCE

There were no apologies for absence.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

13 14-15/5 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder, a witness and a police officer attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the licence be revoked under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') with immediate effect (in accordance with section 61(2B) of the 1976 Act) in the interests of Public Safety.

The Licence Holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.50 am and concluded at 1.40 pm

Councillor W S Davies (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Monday, 7th July, 2014 at The Tatton Room - Town Hall, Macclesfield
SK10 1EA

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, L Jeuda and S Jones

OFFICERS IN ATTENDANCE

Sheela Dutton, Lawyer

Kim Evans, Licensing Team Leader

Jim Hopper, Licensing Officer

14 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor P Whiteley be appointed Chairman for the meeting.

15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs G Wait.

16 DECLARATIONS OF INTEREST

17 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 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

Paragraph 1 - Information relating to any individual.

Paragraph 2 - Information which is likely to reveal the identity of an individual.

18 14-15/6 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Licence holder attended the hearing and made representations in respect of their application.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

That the Licence holder is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence should be revoked.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

(The meeting adjourned for a short break).

19 14-15/7 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Licence holder and his representative attended the hearing and made representations in respect of their application.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

That the Licence holder is a fit and proper person at this time to hold a Joint Hackney Carriage/Private Hire Driver Licence, but that the Joint Hackney Carriage/Private Hire Driver Licence should be suspended for a period of six weeks as a punitive sanction.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

20 14-15/8 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the matter 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 licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Licence holder and his representative attended the hearing and made representations in respect of their application.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED:

That the Licence holder is a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence. The Sub-Committee's felt that in the very specific circumstance of this case they could deal with the matter by way of a very stern warning with regard to the Licence holder's future behaviour.

(The meeting adjourned for a short break).

21 14-15/9 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER 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 and his representative attended the Hearing and made representations in respect of 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 all the evidence, the following course of action had been agreed.

RESOLVED:

That the applicant was not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be refused.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 1.55 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Wednesday, 20th August, 2014 at Committee Suite 1, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, W S Davies and S Jones

OFFICERS IN ATTENDANCE

Sheela Dutton, Lawyer

Jim Hopper, Licensing Officer

Julie Zientek, Democratic Services Officer

22 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Parsons.

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

25 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

26 14-15/10 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter 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 applicant remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

Two representatives of the applicant attended the hearing and made representations.

The applicant attended the hearing but did not speak.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That consideration of the application be deferred pending the outcome of forthcoming criminal proceedings.

The meeting commenced at 9.30 am and concluded at 11.35 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting: 8th September 2014
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Draft Charitable Collection Policy
Portfolio Holder: Cllr Les Gilbert – Localism and Enforcement

1.0 Report Summary

- 1.1 This report seeks Members' approval for a policy concerning the Charitable Collections following a consultation exercise.

2.0 Recommendation

- 2.1 That the Committee considers the consultation response received and resolves to adopt the Policy set out at Appendix 1 (subject to any further amendments deemed appropriate).

3.0 Reasons for Recommendations

- 3.1 The Council does not currently have a Borough wide Charitable Collections Policy. All applications are therefore processed in accordance with the policy or working practise applicable in each of the former Boroughs.
- 3.2 The Licensing Committee is authorised to make decisions of this nature by virtue of the Council's Constitution.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 None identified

7.0 Financial Implications

- 7.1 None identified

8.0 Legal Implications

8.1 The Licensing Authority authorises collections made in 'any street or public place' for 'charitable or other purposes' in accordance with Section 5 of the Police, Factories, and & c. (Miscellaneous Provisions) Act 1916.

8.2 House to House collections are controlled by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.

9.0 Risk Management

9.1 Full consideration of the policy and any consultation responses received would mitigate the risk of challenge to any decision taken.

10.0 Background

10.1 A draft policy was compiled by Officers, having regard to the procedures and working practice currently used in each of the former Boroughs.

10.2 The purpose of controlling charitable collections is to provide appropriate controls and ensure that:

- § A locality is not saturated with collectors
- § The presence of any collector does not cause a nuisance or annoyance to the public
- § To provide consistency and ensure fairness to applicants
- § Achieving a fair balance between local and national causes

10.3 On the 23rd May 2013 the Licensing Committee considered the content of the Policy and subject to some minor amendments approved a final draft for consultation.

10.4 Consultation on the draft Policy was conducted over a 6 week period, 24th February 2014 to 7th April 2014, via publication on the Council's website.

10.5 The Policy was also forwarded to all Town and Parish Councils by the Council's Partnerships Team and to the Council's Event Safety Advisory Group (this group comprise officers of the Council together with colleagues from Cheshire Police, North West Ambulance, Cheshire Fire Service and representatives of town centre management).

10.6 One response was received from a member of the public and this response is attached at Appendix 2. A response was also received from the Council's Environmental Health Department. This response related solely to typographical errors, which have been corrected.

10.7 The following amendments have been made by Licensing Officers and have been incorporated into Appendix 1:

1. Paragraph 4.3 – Sentence included: *‘Applicants are encouraged to contact the relevant Town Centre Manager or Town Council to confirm that areas under their control are available before making an application.’*

11.0 Access to Information

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

Name: Miss Kim Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: kim.evans@cheshireeast.gov.uk

This page is intentionally left blank



Charitable Collections Policy

Contents

1. Introduction
2. Policy Objectives
3. Street Collections
4. Street Collection Applications
5. House to House Collections
6. House to House Collection Applications
7. Sharing Information
8. Standards
9. Enforcement
10. Decisions
11. Review of the Policy
12. Appeals
13. Fee Structure
14. Contacts

1 Introduction

- 1.1 Cheshire East Council regulates charitable collections in the street and also house to house collections. Some matters relating to these collections are at the discretion of the Council and it is important that the Council has a policy regarding these matters.

2 Policy Objectives

- 2.1 This policy is designed to ensure that:
- § Applications are made in a timely way, neither too early nor too late
 - § Ensuring impartiality and fairness in determining applications
 - § Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after
 - § Providing equality of opportunity for perspective collectors
 - § To avoid causing nuisance to the public
 - § Setting fair maximum limits for one applicant
 - § Achieving a fair balance between local and national causes

3 Street Collections

- 3.1 The Licensing Authority licenses collections made in 'any street or public place' for 'charitable or other purposes' in accordance with Section 5 of the Police, Factories, and & c. (Miscellaneous Provisions) Act 1916.
- 3.2 'Street' is defined as including any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not.
- 3.3 A 'public place' is defined as places where public have access and will include shopping centres and the entranceways to shops. The foyer of a supermarket could be considered to be behind closed doors therefore would only require the consent of the manager, however if the collection also took place outside or in the car park, a licence would be required.
- 3.4 Permit holders are not restricted to the collection of money only - they can also sell articles on behalf of a charity.
- 3.5 To support the control of street collections taking place the Council has passed regulations and these are shown at Appendix A. Failure to comply with these regulations can render a person liable on summary conviction to a fine not exceeding £200.00.

4 Street Collection Applications

- 4.1 There must be a minimum of 28 days notice given between the application and the proposed date of collection. This requirement may be waived in exceptional circumstances at the discretion of the Licensing Team Leader. For example where a major charitable need has suddenly arisen, which could

not have been foreseen and that requires urgent assistance eg natural disaster relief aid.

- 4.2 Where the collection is to take place in a shopping centre, retail park or private land, written permission from the centre/site manager or land owner must be sent with the application. An application received without such permission will be deemed incomplete and rejected.
- 4.3 If the collection is to be held within a Town Centre, the Licensing Team may consult with the relevant Town Centre Manager before considering the application. Applicants are encouraged to contact the relevant Town Centre Manager or Town Council to confirm that areas under their control are available before making an application.
- 4.4 Tacit approval applies to this type of application when made via the Government's online portal. This means that an applicant will be able to act as though the application has been granted if they have not heard from the Licensing Authority by the end of the target completion period of 21 days.
- 4.5 Which organisation is granted a permit will be determined on a first come first served basis, although preference will be given to local charities or charities with a local connection. Exceptions to this will be for the following national charities whose collections are linked to specific dates in the year and to whom preference will be given eg Children in Need, Royal British Legion and Christian Aid Week.
- 4.6 Applications for permits or waivers will not be considered more than twelve months in advance of the proposed start date of the collection.
- 4.7 Whilst the Council does not place a specific limit on the number of collections a particular charity may apply for in a calendar year, applications will be monitored. If Officers form the opinion that an excessive number of collection permits are being applied for by one charity, this charity's applications may be referred to the General Licensing Sub-Committee. The Sub-Committee may place a restriction on the number of permits that may be granted to this charity.
- 4.8 Street Collections will generally only be permitted within town centres, retail parks or retail unit car parks. Other roads or private land may be considered for the granting of a collection permit, but this will be on the merits of the application and the nature and locality where the collection will be undertaken.
- 4.9 A maximum of two charities shall be allowed to collect within any one locality on any one day. The locality will be determined by the Licensing Officer having regard to each application. Where an applicant seeks a permit to cover multiple locations with several collectors, the Licensing Authority may limit the number of permits to one.
- 4.10 Permits to collect will only be granted for periods not exceeding seven consecutive days with a period of seven clear days between permits. This requirement may be waived in exceptional circumstances at the discretion of the Licensing Team Leader.

- 4.11 At the discretion of the Licensing Team Leader, permits may be limited to such streets or public places or such parts thereof as is considered appropriate.
- 4.12 Applications to collect or raise funds for the purpose of financing personal expeditions will not be permitted, even where a proportion of the funds raised are donated to charity.
- 4.13 The Council's Regulations makes allowance for the Regulations to be departed from in some case under specified circumstances. Any request to depart from the Regulations shall be made in writing to the Licensing Team.
- 4.14 Moving collections such as carnival processions and other similar events which involve collecting from the public along a route will require a Street Collection Permit.
- 4.15 The applicant must forward a financial return form to the Licensing Authority within one month of the date of collection showing details of the monies collected. No further permits will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.
- 4.16 Where an application for a permit is refused by an Officer, the applicant will have a right of appeal to the Council's General Licensing Sub-Committee.

5 House to House Collections

- 5.1 House to House collections are controlled by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.
- 5.2 As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law are required to be licensed by the authority.
- 5.3 The definition of 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods etc, where any part of the proceeds may go to charity.
- 5.4 A collection for a charitable purpose cannot be made unless the provisions of the Act and the Regulations are complied with, otherwise an offence may be committed. If any person or organisation promotes a charitable collection then they must have a licence to do so.
- 5.5 Anyone acting as a collector where there is not a licensed promoter also commits a criminal offence. Offences are punishable by penalties ranging from a fine of up to £200.00 or in some cases up to six months imprisonment and a fine of up to £1,000.
- 5.6 The only exception to the general rule is organisations that have been granted an Exemption Certificate by the Cabinet Office under the provisions of the House to House Collections Act 1939. This Certificate allows an organisation

to collect in an area without applying for a licence. The organisation must inform the Licensing Authority of the dates and areas of any planned collections. Details of exempted organisations can be found on the Cabinet website.

6 House to House Collection Applications

- 6.1 An application for a house to house collection licence shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection. This requirement may be waived in exceptional circumstances by the Licensing Team Leader.
- 6.2 The following information must be submitted with the application:
- § Literature about the organisation
 - § Copy of the published accounts for the collecting organisation for the previous financial year
 - § If the applicant is not an official of the organisation, a letter from the charitable organisation authorising the applicant to undertake a collection on their behalf
 - § Any agreement or contract details with the registered charity or individual benefiting from the collection
- 6.3 If further information is requested from the applicant to assist in the determining of the application, this must be provided in a timely fashion. Failure to do so will result in a delay to consideration, or refusal of the application.
- 6.4 Tacit approval applies to this type of application when made through the Government's online portal. This means that an applicant will be able to act as though the application has been granted if they have not heard from the licensing authority by the end of the target completion period of 21 days.
- 6.5 Charities must be registered with the Charity Commission or a charitable organisation based in/around Cheshire East.
- 6.6 Wherever possible, no more than one organisation will be permitted to collect in the same area on the same day. Applications will be dealt with on a first come first served basis.
- 6.7 In general, organisations will not be permitted to hold more than two collections throughout the Borough or part thereof during one calendar year.
- 6.8 To avoid the prospect of multiple collections being made in any one day, the Council will not grant licences for a period of twelve months. To give sufficient time to undertake a collection, it will be the policy of the Council not to grant licences for periods in excess of 14 days unless the Licensing Team Leader is satisfied that exceptional circumstances exist.
- 6.9 The applicant must forward a financial return form to the Licensing Authority within one month of the date of collection showing details of the monies collected. No licence will be issued to any applicant that has failed to forward the financial return form in respect of previous collections.

- 6.10 If the application indicates the organisation has been refused a licence to carry out a house to house collection by another Local Authority, unless there are special circumstances for the refusal, the application will normally be refused.
- 6.11 If an organisation is found to have carried out unlicensed collections, no licences will be granted to that organisation until a period of at least three years has passed without further contraventions.
- 6.12 The Licensing Authority can refuse or revoke a licence for a number of reasons:
- § If too high a proportion of the proceeds are to be spent on expenses
 - § If not enough of the proceeds are to be given to the charity or cause
 - § If incorrect information was provided on the application form
 - § If the promoter or any other person involved in the collection has been convicted of certain criminal offences, eg burglary, blackmail or fraud
 - § If the grant of the licence would be likely to facilitate the commission of an offence under section 3 of the Vagrancy Act 1824
 - § If the applicant or holder of the licence has failed to exercise due diligence to ensure that the collectors are fit and proper, to ensure compliance with the provisions of the House to House regulations or to prevent prescribed badges or certificates of authority being obtained other than by authorised persons

In relation to the above reasons for refusal or revocation of permission, the following additional notes are included for guidance:

6.13 Amount devoted to charity

- 6.13.1 The grounds of refusal by the Licensing Authority, as set out in the 1939 Act, of an application for a licence include where the total amount likely to be applied for charitable purposes as a result of the collection is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received). For the purposes of assessing this, the Council will consider each application on its merits. In particular the Council recognises that cost of collection of goods such as textiles by a commercial operator in partnership with a charity can vary. For this reason the Council will not apply fixed minimum percentages of the total value of goods collected to be applied to charitable purposes.
- 6.13.2 In order to assess the level of proceeds going to charitable purposes consideration will be given to:
- § The costs involved with making the collection (eg transport / materials / remuneration)
 - § The revenue generated from the goods collected
 - § The level of proceeds from the collection that will be donated to the nominated charity
 - § The annual accounts submitted in terms the general performance of the collecting organisation in relation to points (a) – (c) above

6.14 Fit and proper person

6.14.1 The grounds of refusal include where the applicant is not a fit and proper person by virtue of having been convicted of certain offences. The general policy of the Council will be that anyone convicted of one of the specified offences shall not be granted a licence or shall have their licence revoked. The offences include:

- § Any offences of a violent or sexual nature
- § Any offences involving robbery, burglary, and blackmail
- § Any offence which necessarily involved a finding that the applicant acted fraudulently or dishonestly
- § Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property
- § Offences under the Street Collections Regulation (Scotland) Act 1915
- § Offences under section five of the Police, Factories Etc. (Miscellaneous Provisions) Act 1916

6.15 Exercising due diligence

6.15.1 Where the applicant for or the holder of a licence fails to exercise due diligence in ensuring that collectors authorised by him were or are fit and proper persons, then the Council may refuse to grant the licence or may revoke the licence. It is the policy of this Council that, where the Council is satisfied that due care or diligence has not been exercised, a licence will be refused or revoked.

6.16 Additional information

6.16.1 Where the applicant or the holder of a licence refuses or neglects to provide the Council with such information as the Council reasonably requires, then the Council will normally refuse the application.

6.17 Where an application for a permit is refused by an Officer, the applicant will have a right of appeal to the Council's General Licensing Sub-Committee.

7 Sharing Information

7.1 The Council will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings.

8 Standards

8.1 The Licensing Authority recommends that all organisations adhere to the Institute of Fundraising's Code of Fundraising Practice. A copy of this code of practice can be found at www.institute-of-fundraising.org.uk

- 8.2 The Code of Charity Retailing promotes good practice and high standards for charity retailing. Compliance with the Code is a mandatory part of membership of the Association for UK charity members. A copy of this code of practice can be found at <http://www.charityretail.org.uk/ccr2011.pdf>
- 8.3 The Licensing Authority acknowledges that collections of direct debit details in the street are not regulated by the 1916 Act. However, such collectors are advised to consider the advice provided by the Public Fundraising Regulatory Association. This can be found at www.pfra.org.uk.
- 8.4 Similarly, the Licensing Authority determines that collections of direct debit details house to house are outside the scope of the 1939 Act. However, such collectors are again advised to consider the advice provided by the Public Fundraising Regulatory Association.

9 Enforcement

- 9.1 It is recognised that well directed enforcement activity by the Council benefits not only the public but also responsible collectors.
- 9.2 The Council will operate a proportionate enforcement regime in accordance with the Council's relevant enforcement policies.
- 9.3 The general enforcement aims of the Licensing Authority are to:
- § Safeguard the interests of both public donors and beneficiaries
 - § Facilitate well organised collections by bona fide charitable institutions and to ensure that good standards are met
 - § Prevent unlicensed collections from taking place

10 Decisions

- 10.1 In exercising its discretion in carrying out its regulatory functions, Cheshire East Council will have regard to this Policy document and the principles set out therein.
- 10.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 10.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so must be given. The Licensing Team Leader may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances.

11 Review of the Policy

- 11.1 This Policy will be reviewed every five years. As well as the five-yearly reviews, the policy will continue to be evaluated and may be updated at any time. Any changes to this policy must be agreed by the Licensing and Regulation Committee, unless this function is delegated to an appropriate officer.

12 Appeals

12.1 Street Collections

12.1.1 There is no formal right of appeal against any decision made by the Council to grant or refuse an application for a street collection permit. However, in the interests of fairness if an organisation wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the Licensing Team Leader, and the matter will be brought before the next available General Licensing Sub-Committee for determination.

12.2 House to House Collections

12.2.1 There is a right of appeal to the Minister for the Cabinet Office against the decision of the Licensing Authority to refuse an organisation a licence to hold a house to house collection or to revoke such a licence.

12.2.2 Appeals should be made in writing to:
Office of the Civil Society,
2nd Floor, Admiralty Arch, South Side
The Mall
London
SW1A 2WH

12.2.3 An appeal must be lodged within 14 days of the date on which Notice of refusal or revocation was given to the applicant or licence holder.

13 Fee Structure

13.1 There is no power within the legislation to make a charge for the processing of Street Collection permits or House to House Collection licences.

14 Contacts

Licensing Team
Cheshire East Council
Town Hall
Macclesfield
SK10 1EA
(0300 123 5015
* licensing@cheshireeast.gov.uk
: www.cheshireeast.gov.uk/licensing

Appendix 2

Dear Miss Evans

Thank you for immediate response.

Re item 1 the point that I was attempting to communicate is that in our small towns the community can be overwhelmed by the number of collections taking place on any one day. I know that supermarket collections are unlicensed and that you have no control over them but they cannot be ignored when considering the overall scale of collecting activity. When I collect criticism is not infrequently voiced when there are multiple collections are taking place - I do not believe that this is "good" for either donors or volunteers. This is why I suggest a limitation on street licenses.

Re item 3 recognise that you may not have too much of a choice, wish you good luck with enforcing your regulations.

Yours sincerely

William Gregory

From: "EVANS, Kim"

To: William Gregory

Sent: Thursday, 27 March 2014, 11:56

Subject: RE: Charitable Collections Consultation for Miss Kim Evans

Dear Mr Gregory

Thank you for your consultation response in relation to the Council's draft Charitable Collection Policy.

I will take each of your points in turn:

1. Your comments on this will be presented to the Licensing Committee who will take into consideration your views and may or may not vary the limits imposed. Just for information, any collection made in an area that falls outside the definition of a 'street' in the legislation would not require a permit. This would include collections made inside supermarkets. We have had a number of instances where two or more collection permits have been requested for the same day. This generally happens when a local collection and a national collection coincide (for example the Poppy Appeal week or Children in Need)
2. The offences listed are the offences that must be taken into consideration by virtue of the primary legislation. However, I will check with my colleagues in the legal dept with regards to the rehabilitation of offenders and if this activity is not exempted I will recommend to the Committee that the wording of the section is made clearer.
3. You may consider regulating collections of this type as over regulation. This is not a matter on which I will pass comment save to say that the previous Government did look to update the legislation and this resulted in the Charities Act 2006. The relevant provisions were however, not commenced and are therefore unusable. As you can imagine legislation dating back to 1916 and 1939 might be considered outdated and you may feel that you would like to make representations on this matter to Central Government. I am sure that this process could be considered an

inconvenience to the Charities themselves, but it does allow us to take action against unlicensed collection where we have capacity to do so.

Once again, thank you for your comments and drawing my attention to areas that will need clarifying. Responses to consultations are very important to us and the Licensing Committee will always give consideration to the points made.

Kind regards
Kim Evans
Licensing Team Leader

From: WILLIAM GREGORY
Sent: 26 March 2014 19:22
To: LICENSING (Cheshire East)
Subject: Charitable Collections Consultation for Miss Kim Evans

Dear Miss Evans

Re Para 4.9 Max two charities allowed to collect

In Cheshire East our town centres are small, even in Crewe the largest town. Permitting more than one charity collecting on any one day will possibly not be appreciated by either residents/general public or charity volunteers who are collecting. Also in addition to the street collecting there may well be supermarket collections in progress in the town. I always find that people are very generous, it would be wrong to over burden and perhaps unnecessarily confuse people in our community. Is the demand for collection slots so high that a single charity restriction would be unfair or impracticable? Please reconsider.

Re Para 6.14.1 You may need to refer this to your legal team, could be discriminatory, what about people whose convictions are spent?

Re Over Regulation. Recognise that rules are required, however, the government encourages us to reduce "red tape." Is street collection licensing really such a hot potato requiring prescriptive complex regulation?

Yours sincerely

William Gregory

CHESHIRE EAST COUNCIL

REPORT TO: Licensing Committee

Date of Meeting:	8 th September 2014
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Designation of Streets within the Borough for the purposes of Street Trading
Portfolio Holder:	Cllr Les Gilbert – Localism and Enforcement

1.0 Report Summary

- 1.1 This report seeks Members' approval for amendments to the current designation of streets for the purposes of regulating street trading.

2.0 Recommendation

- 2.1 That Members consider the draft street trading designations (Appendix 1) and authorise the Licensing Team Leader to consult with relevant stakeholders (subject to any amendments the Committee may make).

3.0 Reasons for Recommendations

- 3.1 In accordance with the Council's Constitution, the Licensing Committee has delegated authority to determine the designation of streets for the purposes of street trading.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Licensing Committee has previously adopted a harmonised Street Trading Policy at a meeting on the 16th July 2013. This policy is set out at appendix 2 and includes information on the current designation of streets.

7.0 Financial Implications

- 7.1 None identified at this stage. However, if Members subsequently give authorisation for amendments to the Street Trading Designations, Notices in local newspapers would be required that attract associated costs.

8.0 Legal Implications

8.1 Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) grants a Local Authority the power to adopt legislation to control Street Trading within its area.

8.2 Schedule 4 of the 1982 Act sets out the powers available, including

- § The designation of streets as prohibited, consent, or licence
- § Exemptions
- § Setting of fees
- § Applying conditions
- § Any offences

8.3 On the 13th October 2011 the Council resolved to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the Borough.

9.0 Risk Management

9.1 Members will need to carefully consider any consultation responses before reaching a final decision.

10.0 Background and Options

10.1 A street for these purposes includes any road, footway, beach or other area to which the public has access without payment, including highway service areas. In brief terms, street trading is defined as anyone selling or exposing or offering for sale any article (including a living thing).

10.2 The purpose of designating streets for the purpose of street trading is to ensure appropriate controls are in place to regulate and ensure that:

- § An area is not saturated with street traders to the detriment of permanent businesses
- § The highway is not obstructed
- § The presence of the trading unit does not present a danger to pedestrians and other road users or an annoyance is caused to residents

10.3 In relation to the designation of streets the Committee has the following options:

1. To leave a 'street' undesignated – This would have the effect of leaving any street trading unregulated in that street and a trader would not require any permission from the Council to conduct their business.

2. A prohibited 'street' – Street Trading would be prohibited from taking place at all times. If Street Trading were to be conducted an offence contrary to the 1982 Act may be committed.

3. A consent 'street' - Street Trading would be prohibited from taking place at all times unless the trader has been granted consent. If Street Trading were to be conducted without consent an offence contrary to the 1982 Act may be committed.

10.4 It would be the intention of the Licensing Team to consult over a 6 week period in the following ways:

- § Public Consultation via the Council's web site
- § With other relevant Council departments and the Council's Event Safety Advisory Group
- § With the Town and Parish Councils via the sharepoint site
- § Cheshire Police
- § Any other identified stakeholders

10.5 Following completion of the consultation, a further report will be presented to the Committee giving the opportunity for consideration of the responses received, setting out the statutory process for re-designation and seeking authorisation to continue the process.

11.0 Access to Information

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

Name: Miss Kim Evans
Designation: Licensing Team Leader
Tel No: 0300 123 5015
Email: kim.evans@cheshireeast.gov.uk

This page is intentionally left blank

Street Trading – Designated Streets Schedule

Schedule of Consent Streets

Area	Name
All areas	All 'streets' (with the exception of those designated as prohibited streets and all parks/open spaces/car parks owned or operated by Cheshire East Council, which will be undesignated) within the Borough of Cheshire East shall be consent streets for the purposes of Street Trading

Schedule of Prohibited Streets

Area	Name	Notes
All areas	All principle roads classified as an 'A' road together with adjoining streets for a distance of 50 meters	With the exception of the following, which shall be consent streets: 1. Lay-by on the A534 at the junction with Smethwick Lane 2. Lay-By on the A54 at the junction with Mill Lane at Browns Bank 3. Lay-by on the A536 at Gawsorth directly adjacent to the Chain and Gate Public House 4. Lay-by on the east side of the A523 at Adlington adjacent to the Legh Arms 5. Lay-by to the west of Monks Heath on the southern side of the A537
All areas	All roads classified as a 'B' road	With the exception of the following, which shall be consent streets: 1. Lay-by on the B5470 Mobberley Road near to the Longridge Trading Estate, Knutsford
Adlington	First Avenue Second Avenue Third Avenue	From the junction with the A523 for the remainder of its length
Knutsford	Princess Street King Street Tatton Street Canute Place	
Macclesfield	Market Place Mill Street Park Green Chestergate Castle Street Sunderland Street Waters Green Albert Place	With the exception of the area adjacent to number 6 Castle Street
Poynton	Park Lane Poynton Industrial Estate	
Wilmslow	Grove Street Hawthorn Lane Church Street	With the exception of an area at the junction of Grove St and Grove Ave

This page is intentionally left blank



Street Trading Policy

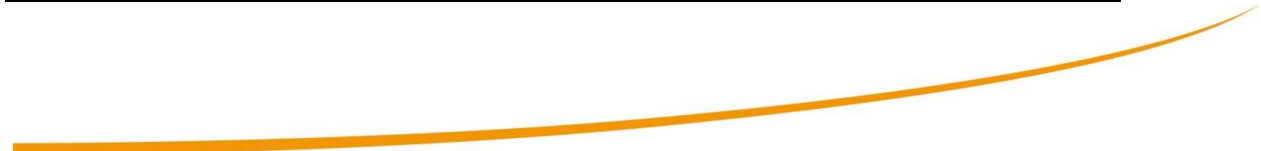
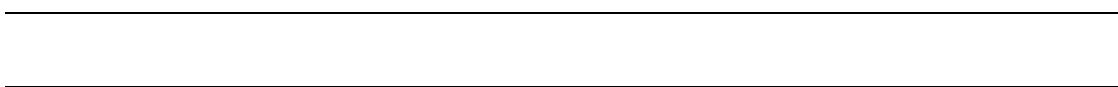
Contents

- 1 Purpose
- 2 What is Street Trading
- 3 Exemptions
- 4 Street Trading for which no fee is payable
- 5 Application Process
- 6 Consultation
- 7 Site Assessment
- 8 General Conditions
- 9 Enforcement
- 10 Delegation of Functions
- 11 Renewals
- 12 Decisions
- 13 General
- 14 Review of the Policy
- 15 Contacts

Appendix A – Details of Consent and Prohibited Streets

Appendix B – Application Form

Appendix C – List of Conditions



1 Purpose

- 1.1 The Council's Street Trading Policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of the local environment.

2 What is Street Trading

- 2.1 Street Trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment. This may also include private land.
- 2.2 Cheshire East Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the Borough Area. A list of the designated streets is set out at appendix A.
- 2.3 The effect of this designation is that Street Trading in a Consent Street is prohibited (subject to legal exemptions) without first obtaining a Street Trading Consent from the Council.
- 2.4 Street Trading in a Prohibited Street is not permitted at any time. Anyone found to be trading in a prohibited street may be liable to prosecution.

3 Exemptions

- 3.1 Some types of trade are exempt from the need to obtain a street trading consent. These include:
- § A person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871
 - § Trade carried out by a roundsman e.g. milkmen
 - § Trade carried on at a petrol filling station
 - § News vendors in certain circumstances
 - § Trade carried out in a street adjoining a premises used as a shop; provided it is part of the business of that shop (such business must not obstruct the highway).
 - § Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

4 Application Process

- 4.1 Street Trading application can be made for:
- § a 'Fixed Pitch' nominated by the applicant (if that pitch is deemed suitable)
 - § a 'Roaming Zone' (Borough wide consent when a schedule of stops/streets is included with the application, ie ice cream vans etc)

- 4.2 Applicants for 'Roaming Consent' (e.g. ice cream vendors) must include a list of all streets where they will be stopping to trade. The application form is set out at appendix B.
- 4.3 A Street Trading Consent can be held by more than one person, providing that person(s) has a business interest and authority to manage the Street Trading site. Once granted, all Consent Holders will be held equally responsible for any breach of terms of conditions of a Street Traders Consent.

5 Consultation

- 5.1 On each application received the Licensing Team may consult the following:
- i. Cheshire Constabulary
 - ii. Highway's Authority
 - iii. Planning Authority
 - iv. Environmental Health
 - v. Waste and Recycling
 - vi. Cheshire East Event Safety Advisory Group
- 5.2 The Licensing Team will also consult any other person or body that is deemed necessary.
- 5.3 If any objections/representations are received in respect of an application, that application will be determined by the Council's General Licensing Sub-Committee.

6 Site Assessment

- 6.1 In determining whether Street Trading in a particular area is appropriate the Council will have regard to:
- § any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
 - § any loss of amenity caused by noise, traffic or smell
 - § existing Traffic Orders e.g. waiting restrictions
 - § any potential obstruction of pedestrian or vehicular access
 - § any obstruction to the safe passage of pedestrians
 - § the safe access and egress of customers and staff from the pitch and immediate vicinity
 - § whether there are any Consents (Fixed or Roaming) already granted to a site in the vicinity
 - § Whether the trading applied for would adversely affect any existing shops or traders.

7 General Conditions

- 7.1 In addition to the above, the following criteria will need to be met before a Street Trading Consent will be issued:

Prevention of obstruction or danger to road users

- § To be sited in accordance with highways legislation as appropriate, such that no obstruction is caused to highway users or to adjacent properties
- § The position of any vehicle must be such that it does not encourage children to cross any Class I, Class II or Class III Primary Distributor Road
- § No advertising boards to be used other than adjacent to the vehicle, which shall not cause any obstruction to users of the street
- § Operator to cease trading, if asked to by the Highways Authority or the emergency services.

Prevention of nuisance or annoyance

- § No music or other broadcasts to be made from the Consent site other than with the permission of this Authority
- § Litter bins and recycling bins to be provided and litter collected as appropriate where litter is likely to be generated
- § A refuse contract must be entered into where refuse is likely to be generated
- § The Council encourages Operators to recycle litter or waste where facilities are available

Suitability of the applicant

- § An application may be refused if the applicant is unsuitable to hold the consent.
- § Consent cannot be issued to a person under the age of 18 years

7.2 The Council can issue a consent with any conditions that are deemed reasonably necessary. The full list of conditions is set out at appendix C.

8 Enforcement

- 8.1 Standard conditions may be attached to every Street Trading Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 8.2 Failure to comply with conditions may lead to revocation or non renewal of Consent.
- 8.3 Street Trading Consent can be revoked at any time. Additionally, the Conditions attached to a consent may be varied at any time.
- 8.3 It is an offence to carry out street trading without the consent of the Council and any person convicted of such an offence shall be liable to a fine not exceeding £1,000. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the certificate.

9 Fee Structure

- 9.1 The fee for street trading consent is determined by the Licensing Committee in accordance with the Council's Constitution.
- 9.2 The current fee for the grant of a consent is £364.00.

10 Delegation of Functions

- 10.1 Determination of applications where no objections or representations have been received (or received and subsequently withdrawn) is delegated to officers.
- 10.2 Determination of applications where objections or representations have been made (and not withdrawn) lies with the Council's General Licensing Sub-Committee.
- 10.3 Any application made that falls outside this policy or where an applicant requires removal of a condition will also be referred to the Council's General Licensing Sub-Committee for determination.
- 10.4 The power to designate streets or to amend the current designation of a street is reserved to the Licensing Committee.

11 Renewals

- 11.1 Street Trading Consents are issued for a period of up to one year
- 11.2 Applicants should then re-submit their application if they wish to continue to trade at least one month before the expiry of their current Consent.

12 Decisions

- 12.1 Following the determination of an application the Council will notify the applicant of the decision in writing as soon as possible.
- 12.2 There is no statutory right of appeal against refusal to issue a Street Trading Consent.

13 General

- 13.1 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.
- 13.2 This policy will inform the detailed conditions attached to every Street Trading Consent.
- 13.3 This policy will be applied in a manner that is consistent with the Council's equalities policies.
- 13.4 At all times, each application will be determined on its own merit.

14 Review of the Policy

- 14.1 This Policy will be reviewed every five years. As well as the five-yearly reviews, the policy will continue to be evaluated and may be updated at any time. Any

changes to this policy must be agreed by the Licensing and Regulation Committee, unless this function is delegated to an appropriate officer.

15 Contacts

Licensing Team
Cheshire East Council
Municipal Buildings
Earle Street
Crewe
CW1 2BJ
(0300 123 5015
* licensing@cheshireeast.gov.uk
: www.cheshireeast.gov.uk/licensing

Street Trading - Street Designations

Congleton District

In March 2000 the Congleton Borough Council designated all streets within the borough with the exception of Class "A" routes as consent routes.

- ⌘ All Class "A" routes are designated as "Prohibited".
- ⌘ Apart from 2 lay-bys on "A" routes
- ⌘ A534 near to the junction with Smethwick Lane
- ⌘ A54 near to junction with Mill Lane at Browns Bank

Crewe and Nantwich District

You may apply for a consent to trade in any street within Crewe and Nantwich District area which is not prohibited.

The prohibited streets are as follows:-

All class A roads including A500, A5020, A51, A534, A532, lay-by at Crewe Green Road (A534).

Macclesfield District

With the exception of the four lay-bys set out below, which shall be consent streets, to designate all 'A' and 'B' roads together with adjoining streets for a distance of 50 metres, are designated as prohibited streets for the purposes of street trading with effect from 15th December 2008.

- ⌘ Lay-by on the Macclesfield Road (A536) at Gawsworth directly adjacent to the Chain and Gate Public House;
- ⌘ Lay-by on the east side of the A523 at Adlington adjacent to the Legh Arms;
- ⌘ Lay-by to the west of Monks Heath on the southern side of the A537
- ⌘ Lay-by on Mobberley Road (B5470) near to the Longridge Trading Estate, Knutsford.

With the exception of the roads listed below, which shall be prohibited streets, to designate all other roads within the Borough not covered by (1) as consent streets for the purposes of street trading with effect from 15th December 2008.

- ⌘ Macclesfield – Market Place, Mill Street, Park Green, Chestergate, Castle Street (with the exception of an area adjacent to number 6 Castle Street), Sunderland Street, Waters Green and Albert Place;
- ⌘ Wilmslow – Grove Street (with the exception of an area at the junction of Grove Street and Grove Avenue), Hawthorn Lane, Church Street;
- ⌘ Knutsford – Princess Street, King Street, Tatton Street and Canute Place;
- ⌘ Poynton – Park Lane
- ⌘ Poynton Industrial Estate, Adlington – First Avenue (from the junction with the A523 for the remainder of its length), Second Avenue and Third Avenue.



Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4

APPLICATION FOR A STREET TRADING CONSENT

I/We HEREBY MAKE APPLICATION for the (grant) (renewal) of a Street Trading Consent in accordance with Section 3 and Schedule 40 to the Local Government (Miscellaneous Provisions) Act 1982

Personal Details: Applicant No. 1

Surname			
First Name(s)			
Home Address			
Postcode		Date of Birth	
Home / Mobile Telephone Numbers			
Email Address			

Personal Details: Applicant No. 2

Surname			
First Name(s)			
Home Address			
Postcode		Date of Birth	
Home / Mobile Telephone Numbers			
Email Address			

Do you intend to trade from a fixed pitch or roam an approved area?

Fixed Pitch (see sections 13-17)

Roaming (see sections 23-27)

Trading Location Details (Fixed Consent):

Trading Site (give street name and precise location including map)	
Trading Name (if applicable)	
Trade Days	
Trade Times	
Goods to be Sold – state type, standard and method of presentation of goods	

Trading Location Details (Roaming Consent):

Trading Site (give Area eg Sandbach or Macclesfield etc and provide details of the route to be undertaken)	
Trading Name (if applicable)	
Trade Days	
Trade Times	
Goods to be Sold – state type, standard and method of presentation of goods	

--	--

Vehicle / Stall / Unit Details:

Type of vehicle / stall / unit	
If mobile unit, state vehicle registration number	
Vehicle / stall / unit - height	
Vehicle / stall / unit - width	
Vehicle / stall / unit – length	
Address of base used for storage of goods for sale	
Details of refuse storage and disposal	

Have you ever been refused a Street Traders Licence or Consent by this or any other local authority? If yes, give dates and details YES / NO

--

Do you intend to engage assistants, if yes, please state how many _____

I declare that to the best of my knowledge and belief, the answers given are true and I realise that information disclosed in this application form may be made available to other authorised agencies.

If a Consent is granted, I undertake to comply with the attached conditions and also comply with the Food Safety Act 1990, where appropriate, and to any Regulations made thereunder.

Signed:

Date:

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONSENT – CONDITIONS

The Operator shall at all times observe and perform to the satisfaction of the Council the conditions set out below:

- § The Operator shall not transfer or attempt to transfer a Street Trading Consent to any other person.
- § No class or classes of articles or things may be sold or exposed or offered for sale other than those specified in the consent.
- § The trading unit used for street trading shall not obstruct the street or cause any danger to persons using the street.
- § The trading unit shall be kept in a clean and tidy condition at all times.
- § Nothing shall be placed on or in the trading unit in connection with street trading or otherwise which emits fumes odours or smoke to the annoyance of persons using the street or occupying premises in the street.
- § Any property building or structure in or adjacent to any street to which street trading is carried out shall not be defaced or interfered with or any placards posters signs or otherwise placed thereupon.
- § No unreasonable noise by the Operator or persons assisting the Operator which may cause annoyance to persons using the street or occupying premises in the street in which trading is carried out.
- § The trading unit shall be immediately removed for so long a period as may be necessary to allow building works/demolitions, statutory undertakers works, or Local Authority works to take place either in the street or to premises adjoining or in the street.
- § The trading unit shall be immediately removed for so long a period as may be necessary from the space in front of any premises where the trading unit unduly obstructs or hinders the access or egress from such premises by any persons or vehicles.
- § If required by a Constable or Fire Officer or a duly authorised officer of the Council in the event of an emergency or in the exercise by the

Council of any of its powers and its duties the trading unit and goods used for street trading shall be removed.

- § All litter and refuse from and around the trading unit arising from street trading shall be removed from the Site by the Operator and properly disposed of. The Operator shall leave no refuse or litter in any litter bins in the street or any adjoining streets.
- § The Council encourages Operators to recycle litter or waste where facilities are available
- § The Operator shall display the consent notice on the trading unit where it may be visible to members of the public.
- § Any person found engaging in street trading shall, on being requested to do so by a Police Officer or a duly authorised officer of the Council, produce for inspection his/her street trading consent and shall provide his/her name and address.
- § If the Operator changes his/her place of residence he/she must notify the Council of the new address within three weeks of the date of the change.
- § Notwithstanding any time specified for street trading contained within the consent, the Operator is not authorised to trade at any time in contravention of any statutory enactment.
- § Before commencing to trade, the Operator shall ensure that the trading unit and his goods comply with all statutory requirements and regulations for time being in force, and that any consents or permissions relating thereto remain valid throughout the period of the consent. Any Operator who sells food is required to be registered as a food business with the Council's Environmental Health Department. All Operators shall comply with the requirements of the Health and Safety at Work etc Act 1974.
- § The Operator shall ensure before commencing to trade, that all notice or advertisements have received the necessary approvals in accordance with the Town and Country Planning Act 1990 and associated regulations and that all such approvals remain valid throughout the period of the consent and no other advertisements shall be displayed in relation to the trading unit at any time.
- § Notwithstanding the above, no notices, adverts, placards, signs or otherwise shall be placed on or attached to the trading unit or any proximate area thereto without the written approval of the Council

- § The Operator may, in writing, at any time surrender this Consent to the Council and it shall then cease to be valid.
- § The Operator hereby indemnifies the Council and any successor local authority from and against all claims, costs, charges or expenses arising from or out of any loss, damage or injury to any persons or property occasioned in the exercise of trading under this Consent. The Operator shall throughout the duration of this Consent hold appropriate public liability insurance at a level approved by the Council.
- § The Operator shall only trade in respect of the purpose set out in the consent and at the location, days and hours specified on the consent. Outside the hours the specified the trading unit shall be removed from the Site to a location approved by the Council. Notwithstanding the days and hours of trading stated on the consent, the Council reserves the right to approve in writing other days and hours of trading.
- § The consent is valid for up to twelve months from the date of issue and may be revoked by the Council at any time for breach of any of the conditions contained herein
- § The Operator undertakes not to use the grant of this Consent as a defence to any enforcement action under the Town and Country Planning Act 1990.
- § The Council reserves the right to cancel and/or vary and/or impose additional conditions upon giving one week's notice in writing to the Operator at the address stated above or any new address provided by the Operator.
- § The Consent is only valid so long as the location referred to on the consent is available for use by the public and may be taken out of use for so long as may be necessary by the Council (or any successor local authority) for maintenance storage safety or any other reason or purpose.
- § No compensation for loss of trade or disturbance will be payable in relation to any conditions hereof.
- § The position of the trading unit as shown edged red on the attached plan shall not be altered without the consent in writing of the Council.
- § The Operator shall only use a trading unit approved by the Council.
- § The Council will not refund the annual consent fee if the council finds it necessary to revoke consent for a licence due to non-compliance with the council's conditions.

Consent holders trading within Town Centres are required to comply with all foregoing conditions and also to:

- § The operator shall provide written detail of their method and place of disposal and recycling of litter, to the Town Centre Manager, prior to commencing trading
- § Provide litter bins of a type approved by the Council if required to do so by the Council's Town Centre Manger in the locations stated.

Consent holders operating catering units parked at particular fixed locations, such as lay-bys, to be required to comply with foregoing conditions and also to:

- § Obtain formal planning consent for use of the land as a site for the catering unit
- § Operate on a strictly takeaway basis only, serving food for consumption away from the unit, unless specifically authorised in the consent to have seating for customers
- § Restrict hours of operation to between sunrise and sunset, in accordance with 'lighting up' times
- § Remove stall or vehicle from the consent site at the end of the approved trading time each day
- § Provide adequate integral sanitary accommodation including closet and wash hand basin with hot and cold water, to be made accessible from outside the unit only, or arrange for access to be available to such facilities at an immediately adjoining premises
- § Maintain the site and adjoining verges in a clean and tidy condition and to be responsible for the removal of all litter. The Council encourages Operators to recycle litter or waste where facilities are available.

This page is intentionally left blank