

# Licensing Committee

## Agenda

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**Date:** Monday 2nd September 2019  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

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

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

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

In accordance with paragraph 2.32 of the Committee Procedural Rules and Appendix 7 to the Rules 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 3 - 6)

To approve the minutes of the meeting held on 4 March 2019.

5. **Minutes of Licensing Sub-Committees**

a) **Licensing Act Sub Committee** (Pages 7 - 26)

To receive the minutes of the following meetings:

25 October 2018  
22 February 2019  
8 March 2019  
14 March 2019  
11 June 2019  
21 June 2019  
6 August 2019

b) **General Licensing Sub Committee** (Pages 27 - 36)

To receive the minutes of the following meetings:

19 March 2019  
20 June 2019  
16 July 2019

6. **Terms of Reference** (Pages 37 - 40)

For Members' information, the Committee's terms of reference and those of its sub-committees, as set out in the Constitution, are attached.

7. **Designation of Streets within the Borough for the Purposes of Street Trading**  
(Pages 41 - 48)

To consider a report seeking approval for amendments to the current designation of streets for the purposes of regulating street trading within Cheshire East.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 4th March, 2019 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor S Davies (Chairman)  
Councillor D Bebbington (Vice-Chairman)

Councillors Rhoda Bailey, E Brooks, B Dooley, I Faseyi, A Harewood,  
M Parsons, G Wait, M J Weatherill and J Wray

**OFFICERS PRESENT**

Kim Evans, Licensing Team Leader  
Vicky Fox, Lawyer  
Nick Kelly, Environmental Protection Team Leader  
Aoife Ryan, Lawyer  
Sarah Sutton, Environmental Health Officer  
Julie Zientek, Democratic Services Officer

**8 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Bratherton, B Burkill, O  
Hunter and M Warren.

**9 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**10 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**11 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 5 November 2018  
be approved as a correct record and signed by the Chairman.

**12 MINUTES OF LICENSING SUB-COMMITTEES**

RESOLVED – That the minutes of the following meetings be received:

- Licensing Act Sub-Committee 22 November 2018
- General Licensing Sub-Committee 11 December 2018
- General Licensing Sub-Committee 14 February 2019

**13 REVIEW OF THE SCRAP METAL DEALERS ACT 2013 FEES AND CHARGES FOR THE PERIOD 2019 TO 2022**

The Committee considered a report regarding the proposed fees for applications for Scrap Metal Dealers licences for the three year period from 1 April 2019.

In accordance with the provisions of the Scrap Metal Dealers Act 2013, the Council was permitted to charge a fee for administering the statutory licensing for scrap metal dealers. Fees could only be set on a cost recovery basis and a review of the fees had to be undertaken in order to ensure that they reflected the cost of administering the licences.

RESOLVED – That the following fees be approved in relation to applications for Scrap Metal Dealers licences for the three year period from 1 April 2019:

- Site Licence Application – £225.00
- Collectors Licence Application - £194.00
- Replacement of a Licence - £15.00 (per licence)
- Additional Collectors Licences - £15.00 (per licence)

**14 ANNUAL REVIEW OF THE MOBILE HOMES ACT 2013 - FEES AND CHARGES POLICY 2019-2020**

The Committee considered a report regarding the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2019-20.

In accordance with the Mobile Homes Act 2013, the Council was permitted to charge a fee for administering the statutory licensing function for residential caravan sites. It was also permitted to set fees for other functions such as maintaining a register of site rules and transferring and amending licences.

The Council was only able to set fees on a 'cost recovery' basis, and as part of setting the fees it was required to have a Fees and Charges Policy in place for mobile home sites, which was reviewed annually in order to ensure that the fees reflected the cost of administering the licensing function.

RESOLVED - That the Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2019-20, as set out in Appendix 1 to the report, be approved.

**15 REVISED STATEMENT OF LICENSING POLICY**

The Committee considered a report regarding a draft revised Statement of Licensing Policy. The Licensing Act 2003 required licensing authorities to prepare and publish a statement of principles that they proposed to apply

in exercising their functions under the Act during the five year period to which the statement applied. The Council was now required to review its existing statement of Licensing Policy and publish a revised version.

### RESOLVED

- (a) That the draft revised Statement of Licensing Policy, as set out in Appendix 1 to the report, be referred to Cabinet for consideration.
- (b) That Council be recommended to adopt the revised Statement of Licensing Policy.

The meeting commenced at 2.00 pm and concluded at 2.11 pm

Councillor S Davies (Chairman)

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 25th October, 2018 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillors Rhoda Bailey, S Davies and J Wray

**OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Team Manager  
Jennifer Knight, Senior Licensing Officer  
Aoife Ryan, Solicitor  
Paul Mountford, Executive Democratic Services Officer

**16 APPOINTMENT OF CHAIRMAN****RESOLVED**

That Councillor S Davies be appointed Chairman for the meeting.

Councillor S Davies in the chair

**17 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**18 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE:  
KNUTSFORD MASONIC CLUB, LEICESTER WARREN HALL, BEXTON  
LANE, KNUTSFORD WA16 9BQ**

The Sub-Committee considered a report regarding an application for the review of a Premises Licence in respect of Knutsford Masonic Club, Leicester Warren Hall, Bexton Lane, Knutsford, WA16 9BQ.

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

- two applicants
- two representatives of the applicants
- three representatives of Knutsford Masonic Club

Representatives for the Masonic Club referred to procedural irregularities in serving notice of the application which they said invalidated the process and that in the circumstances the hearing should not proceed and the application process should re-start. In considering the matter, following representations from both sides, the Sub-Committee noted that the Council had made an appropriate compensatory extension to the period within which representations could be made. The Sub-Committee also noted that it had not been demonstrated that any of the parties involved had been substantially prejudiced as a result of the

irregularities. On this basis, the Sub-Committee concluded that the hearing should proceed.

Representatives for the Masonic Club had circulated additional documents the day before the hearing. Copies had been provided to members of the Sub-Committee. Representatives of the applicants presented additional documents at the meeting which, with the agreement of the Club's representatives, were circulated at the meeting.

The Council reported that it had received two additional objections to the licence, details of which were circulated.

The applicants and their representatives presented their case following which they were questioned by the other side and by the Sub-Committee. The applicants then made a summary statement of their case.

At the conclusion of this stage of the hearing, in view of the lateness of the hour, the Chairman proposed that the meeting adjourn and reconvene at a date to be determined following consultation with all parties.

### **RESOLVED**

That the meeting be adjourned and reconvened at a date to be determined following consultation with all parties.

The meeting commenced at 10.45 am and concluded at 5.20 pm

Councillor S Davies (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 22nd February, 2019 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor S Davies (Chairman)

Councillors Rhoda Bailey and J Wray

### **Officers in attendance**

Kim Evans, Licensing Team Leader  
Jennifer Knight, Senior Licensing Officer  
Aoife Ryan, Lawyer  
Julie Zientek, Democratic Services Officer

### **23 CONTINUATION OF MEETING HELD ON 25 OCTOBER 2018**

The meeting was reconvened to enable the Sub-Committee to continue to consider the application for the review of a Premises Licence for Knutsford Masonic Club, Leicester Warren Hall, Bexton Lane, Knutsford.

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

- two applicants
- two representatives of the applicants
- three representatives of Knutsford Masonic Club

The meeting was adjourned until 11.15am to enable the representatives of the premises and the applicants to meet and explore whether they could reach an agreement.

In the interests of openness, Councillor Rhoda Bailey declared that, since the last meeting, she had accidentally met one of the gentlemen involved with running the premises when they had both visited the same elderly gentleman.

The representatives of Knutsford Masonic Club presented their case following which they were questioned. The representatives of the premises and the applicants then made summary statements of their cases.

At the conclusion of this stage of the hearing, in view of the lateness of the hour, it was proposed that the meeting adjourn and reconvene at a date to be determined, to enable the Sub-Committee to meet in private to consider its decision, in accordance with the Procedure for Hearings – Licensing Act 2003.

RESOLVED - That the meeting be adjourned and reconvened at a date to be determined.

The meeting commenced at 10.00 am and concluded at 3.35 pm

Councillor S Davies (Chairman)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 8th March, 2019 at Room G5, Westfields, Middlewich Road,  
Sandbach, Cheshire CW11 1HZ

**PRESENT**

Councillor S Davies (Chairman)

Councillors Rhoda Bailey and J Wray

**Officers in attendance**

Aoife Ryan, Lawyer

Julie Zientek, Democratic Services Officer

**24 CONTINUATION OF MEETING HELD ON 22 FEBRUARY 2019**

In accordance with the Procedure for Hearings – Licensing Act 2003, having heard the final representations on behalf of the Applicant for the review and Knutsford Masonic Club at the previous meeting, the Sub-Committee met in private to consider its decision.

The Lawyer reported that the solicitor for the applicant had submitted further representations. As these had not been agreed by the Club's representatives, they could not be provided to members of the Sub-Committee. The Sub-Committee concluded that the hearing should not be re-opened and that it should proceed with its decision-making, in accordance with the procedure.

Following a lengthy discussion, it was

**RESOLVED** - that the meeting adjourn and reconvene at a date to be determined to enable the Sub-Committee to conclude its deliberations.

The meeting commenced at 10.45 am and concluded at 3.40 pm

Councillor S Davies (Chairman)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 14th March, 2019 at Room S9, Westfields, Middlewich  
Road, Sandbach, Cheshire CW11 1HZ

### **PRESENT**

Councillor S Davies (Chairman)

Councillors Rhoda Bailey and J Wray

### **Officers in attendance**

Aoife Ryan, Lawyer

Julie Zientek, Democratic Services Officer

### **25 CONTINUATION OF MEETING HELD ON 8 MARCH 2019**

The meeting was reconvened to enable the Sub-Committee to continue to consider the application for the review of a Premises Licence for Knutsford Masonic Club, Leicester Warren Hall, Bexton Lane, Knutsford.

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 Sub-Committee

**RESOLVED** - to impose the following conditions, which they considered appropriate to prevent harm to the licensing objectives:

1. The Premises Licence Holder shall ensure that the DPS/Manager fully complies with the conditions of this Premises Licence and takes all reasonable measures to promote the licensing objectives whenever Licensable Activities take place at the Licensed Premises.
2. The Premises Licence Holder shall be responsible for the management of events to ensure that no nuisance is caused to residents who live in the vicinity of the Licensed Premises.

3. The Premises Licence Holder will operate the premises in accordance with:-
  - a) Noise levels agreed with the Environmental Protection Department of Cheshire East Council. Where the parties cannot agree the limit the Council's Environmental Health Team will be the final arbiter;
  - b) A Security and Stewarding Plan which sets out the roles and duties of Security and Stewarding staff. Staff will be fully briefed to understand their duties;
  - c) To adopt a policy to prevent anti-social behaviour which sets out all measures to be undertaken. Staff will be fully briefed to understand their duties. A copy of which is to be provided to the Licensing Authority within one month of the notification of the decision.
4. Local Residents within an area designated by the Licensing Authority shall be given at least 4 weeks prior notice by the Premises Licence Holder of wedding events at the Licensed Premises and at least 2 weeks notice for all other events where amplified music or amplified voices are to be played, save in exceptional circumstances e.g. funerals where notice shall be provided to local residents upon confirmation of booking. All details shall be included on the website.
5. The Premises Licence Holder/DPS will ensure that their contact details to include email address, landline and mobile telephone numbers are available on the website and will provide this information to the occupants of the adjacent cottage and properties along Beggarman's Lane.
6. The Premises Licence Holder shall ensure that all complaints received shall be logged and the actions taken to address complaints shall be recorded in the log. The log shall be available for inspection by the Licensing Authority or Police upon request.
7. The number of events where amplified music and/or amplified voices is played shall not exceed 60 in any calendar year.
8. Events where amplified music and/or amplified voices is played shall not take place on consecutive days, save for activities on New Year's Eve into New Year's Day.
9. The Premises Licence Holder shall notify hirers of the Licensed Premises of these Licence conditions and measures contained in the premises guidance notes and anti- social behaviour policy to include details of licensable hours prior to accepting a booking which must also be published on the website.
10. Regulated Entertainment may take place between the following hours:  
Monday to Thursday 11:00 to 23:00  
Friday and Saturday 11:00 to 00:00  
Sunday 12:00 to 22:00

New Year's Eve 11:00 to 01:00

The Premises Licence hours for opening will be reduced by 30 mins as follows:

Monday to Thursday 10:00 to 23:30

Friday and Saturday 10:00 to 00:30

Sunday 12.00 to 22.30

New Year's Eve 02.00

11. Music performed by live bands and performers shall cease by  
Monday to Saturday 23.00  
Sunday 22.00  
Recorded music played by DJs shall be permitted until the relevant terminal hour. Thirty minutes before the end of the time permitted for the provision of regulated entertainment the music levels shall be gradually reduced to a lower volume and tempo.
12. The sale and supply of alcohol shall cease at least 30 minutes before the premises close.
13. Within six weeks from notification of the decision, the Premises Licence Holder shall install and maintain a permanent in-house sound system in the Licensed Premises which shall incorporate a compressor limiter device which prevents music noise levels being increased from pre-set levels agreed with the Council's Environmental Health Team. That limiting will include when the audio equipment is being used for amplification of voice e.g. by the use of microphones. The system shall be used for all performances of live and recorded music and for speeches and announcements using microphones.
14. The noise limiter shall be set at a level agreed with the Council's Environmental Protection Department so that music noise and noise from the use of microphones is not audible as to create a nuisance/disturbance at the following premises:-  
the adjoining cottage as measured from any rooms within the cottage;  
Such properties on Beggarmans Lane as measured from the boundary of the property.
15. The sound system shall be managed by the Premises Licence Holder to effectively contain subbass (low frequency noise) so as to not to cause music noise nuisance.
16. Bands, Performers and DJs shall not be allowed to use any means of the amplification of music and voices other than the in-house system.
17. The Premises Licence Holder shall comply with all reasonable instructions given by the Licensing Authority and/or Environmental

Protection Team of the Council that seek to control noise nuisance irrespective of whether the limits in these conditions are being met.

18. During any events where amplified music/amplified voices are being played the venue doors (including fire doors) shall be kept closed (except when in use for access and egress to and from the premises). The operation of the doors shall be monitored by security/stewards throughout events when amplified music/voices is being played.
19. The Bowling Green/garden area, car park and driveway shall not be used for any activities which cause nuisance and no amplified music or amplified speeches shall be played on them beyond 21.00 hours.
20. Following appropriate risk assessment of each event, to be recorded and held at the premises, a suitable number (determined by the risk assessment) of Security and/or Stewards shall be deployed at events to:-
  - i) manage the exterior doors of the Licensed Premises;
  - ii) prevent antisocial behaviour within the Licensed Premises and all external areas under the control of the Premises Licence Holder, in accordance with the anti- social behaviour policy.
21. The morning after an event the Premises Licence Holder shall ensure that litter including, but not limited to, cigarette ends, bottles, glasses and broken glass is cleared up. Any vomit and urination is to be cleaned from the areas surrounding the adjoining cottage and the driveway.
22. Signs will be erected at the exits of the Licensed Premises and in the car park and pick up and drop off area asking patrons to respect local residents by leaving the premises quietly. Similar messages will be included in the conditions of hire and website advertising functions at the Licensed Premises.
23. External lights shall be extinguished no later than 15 minutes after the closure time of the Licensed Premises.
24. The setting up and taking down of events shall only take place within the hours of 08:00 -20.00 hours Monday to Sunday save for the removal of live performers' equipment which must be removed within thirty minutes of the regulated entertainment having concluded.
25. The smoking area shall be designated at the rear of the premises so that no nuisance is caused to the adjoining cottage and shall be managed by security/stewarding staff.
26. The taxi pick up and drop off area shall be situated at the rear of premises so that no nuisance is caused to the adjoining property and shall be managed by security/stewarding staff. Appropriate signage



shall be erected to direct the flow of taxis and other traffic as to the correct location for drop off and collection of customers.

27. Signage will be erected at the front gate and rear of the Premises to discourage the sounding of vehicle horns.
28. Staff shall be trained to understand the importance of preventing noise nuisance and antisocial behaviour and reminding guests to exit and depart from the Licensed Premises quickly and quietly out of respect for neighbours. Such training will be documented and records of training will be kept and made available to the Police and Licensing Authority upon request.
29. A new CCTV system will be installed within six weeks of the notification of the decision with internal and external cameras which will be monitored throughout each event.
30. There shall be no emptying of bottles by staff into external bins or receptacles after 20:00 hours or before 09:00 hours.
31. The number of guests at events when Licensable Activity takes place shall be limited to 180.

And the following additional conditions offered on behalf of the Premises Licence Holder:

1. Within 3 months of notification of the decision a porch area will be erected between the exterior of the premises and the fire doors. There will be triple glazed acoustic self closing doors. This entrance/exit will be orientated so that patrons leave the premises in a southerly direction.
2. A CCTV monitor screen will be installed behind the bar. Management and security staff will have an iPhone link to the cameras for monitoring purposes/traffic management.
3. The Bowling Green /garden area shall not be used for any Licensable activities after 21:00 hours.
4. There will be no fairground events held at the premises.
5. A fence will be erected along the driveway, with sympathetic planting. Customers will be directed not to walk along the driveway save for access and egress.
6. An electronic gate will be erected at the end of the driveway entrance. Access and egress will be monitored by security staff.
7. Live music events are to be limited to 2 live events per week.

The Sub-Committee noted that the Applicant and Parties who had made relevant representations would be reminded of their right to appeal this decision to the Magistrates' Court within 21 days of service of the written notice of the decision.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

Councillor S Davies (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Tuesday, 11th June, 2019 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillor D Edwardes (Chairman)

Councillors J Barber and M Benson

### **OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Team Leader  
Bankole Thomas, Lawyer  
Julie Zientek, Democratic Services Officer

#### **1 APPOINTMENT OF CHAIRMAN**

RESOLVED –That Councillor D Edwardes be appointed Chairman.

#### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3 APPLICATION FOR A PREMISES LICENCE - TELESCOPE FIELD, JODRELL BANK OBSERVATORY, BOMISH LANE, MACCLESFIELD, CHESHIRE SK11 9DW**

The Sub-Committee considered a report regarding an application for a Premises Licence for Telescope Field, Jodrell Bank Observatory, Bomish Lane, Macclesfield, Cheshire.

The Licensing Team Leader reported that the applicant had proposed amendments to the application, and that the two representations objecting to the application had been withdrawn.

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

- two representatives of the applicant

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- 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, subject to the following amendments proposed by the applicant:

### **Capacity**

The maximum capacity applied for shall remain at 24,999.

However, for 2019 only, the Applicant will cap the capacity at 21,000.

In 2020 and future years, increases in capacity up to the maximum of 24,999 will be agreed with the Licensing Authority.

In 2020 the capacity of the late-night arts venue shall be 1000.

In 2020 and future years, increases in capacity will be agreed with the Licensing Authority up to the maximum number requested.

### **Licensed Site**

The plan has been redrawn to remove car parks and some campsites.

### **Sale of Alcohol**

The proposed curfews are:

Friday	02.00 hrs
Saturday	03.30 hrs
Sunday	03.30 hrs
Monday	02.00 hrs

After 02.00 hrs on Saturday morning and Sunday morning the only bars that may remain open until 3.30 hrs shall be those situated in the campsites and in the late-night arts venue.

After 01.00 hrs on Monday morning the only bars that may remain open until 02.00 hrs shall be those situated in the campsites and in the late-night arts venue.

For Sunday 21 July 2019 only, the proposed curfew for bars in the First Moon Landing Celebration Area shall be 05.00 hrs

Proposed Condition 70 is deleted as the curfews are specified above.

### **Late Night Refreshment**

The proposed curfew for Friday morning is 03.00 hrs.

### **Live Music**

The main stage shall close at 23.00 hrs each day (as per the application and previous years).

The ancillary stages shall close as follows:

Friday	02.00 hrs
Saturday	02.00 hrs
Sunday	02.00 hrs

Save that live music shall be permitted in the late-night arts venue until:

Friday	01.00 hrs
Saturday	03.00 hrs
Sunday	03.00 hrs
Monday	02.00 hrs

### **Recorded Music**

The main stage shall close at 23.00 hrs each day (as per the application and previous years).

The ancillary stages shall close as follows:

Friday	02.00 hrs
Saturday	02.00 hrs
Sunday	02.00 hrs
Monday	01.00 hrs

Save that recorded music shall be permitted in the late-night arts venue until:

Friday	02.00 hrs
Saturday	04.00 hrs
Sunday	04.00 hrs
Monday	03.00 hrs

For Sunday 21 July 2019 only, the proposed curfew for the First Moon Landing Celebration area shall be 05.00 hrs.

**Plays and Films and other Licensable Activities applied for but not specified above**

The proposed curfew is:

Friday	02.00 hrs
Saturday	02.00 hrs
Sunday	02.00 hrs
Monday	01.00 hrs

At the late-night arts venue, the curfew shall be as above:

Friday	02.00 hrs
Saturday	04.00 hrs
Sunday	04.00 hrs
Monday	03.00 hrs

For Sunday 21 July 2019 only, the proposed curfew for the First Moon Landing Celebration Area shall be 05.00 hrs.

(b) That the capacity proposals be imposed as conditions on the licence.

The meeting commenced at 10.00 am and concluded at 11.00 am

Councillor D Edwardes (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 21st June, 2019 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor D Edwardes (Chairman)

Councillors S Davies and K Flavell

### **OFFICERS IN ATTENDANCE**

Amanda Andrews, Licensing Officer  
Kim Evans, Licensing Team Leader  
Bankole Thomas, Lawyer  
Julie Zientek, Democratic Services Officer

#### **4 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor D Edwardes be appointed Chairman.

#### **5 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **6 APPLICATION FOR A PREMISES LICENCE - SHELL BARTHOMLEY, A500/M6 BARTHOMLEY, CREWE CW2 5PS**

The Sub-Committee considered a report regarding an application for a Premises Licence for Shell Barthomley, A500/M6 Barthomley, Crewe CW2 5PS.

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

- two representatives of the applicant

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- 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 imposition of the measures contained within the operating schedule, as set out in the Application, as conditions of the licence.

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 of service of the written notice of the decision.

The meeting commenced at 2.00 pm and concluded at 2.55 pm

Councillor D Edwardes (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Tuesday, 6th August, 2019 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillor D Edwardes (Chairman)

Councillors J Barber and M Benson

### **OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Team Leader  
Jennifer Knight, Senior Licensing Officer  
Bankole Thomas, Lawyer  
Julie Zientek, Democratic Services Officer

### **7 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor D Edwardes be appointed Chairman.

### **8 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **9 APPLICATION FOR A PREMISES LICENCE - MARTON MEADOWS GOLF CLUB, MARTON, MACCLESFIELD, CHESHIRE SK11 9HF**

The Sub-Committee considered a report regarding an application for a Premises Licence for Marton Meadows Golf Club, Marton, Macclesfield, Cheshire SK11 9HF.

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

- two representatives of the applicant
- two 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 imposition of the measures contained within the operating schedule, as set out in the Application, as conditions of the licence.

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 of service of the written notice of the decision.

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor D Edwardes (Chairman)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Tuesday, 19th March, 2019 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

**PRESENT**

Councillor S Davies (Chairman)

Councillors G Wait and J Wray

**OFFICERS IN ATTENDANCE**

Sarah Baxter, Democratic Services Officer  
Tracey Billington, Enforcement Officer  
Vicky Fox, Lawyer  
Martin Kilduff, Licensing Enforcement Officer  
Aoife Ryan, Lawyer

**35 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor S Davies be appointed Chairman.

**36 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D Bebbington.

**37 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**38 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.

**39 18-19/11 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

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

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

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

**40 18-19/12 APPLICATION FOR THE RENEWAL OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

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

The applicant and the applicant's Solicitor attended the hearing and made representations in respect of the case.

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 is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be renewed. The Sub-Committee, however agreed that a formal warning be issued with respect to the applicant's future conduct.

**41 18-19/13 APPLICATION FOR THE RENEWAL OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

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

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

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 is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be renewed. The Sub-Committee, however agreed that a formal warning be issued with respect to the applicant's future conduct.

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor S Davies (Chairman)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Thursday, 20th June, 2019 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor D Edwardes (Chairman)

Councillors S Davies, H Faddes and J Weatherill

### **OFFICERS IN ATTENDANCE**

Rob Amison, DVSA MOT & Taxi Inspector  
Amanda Andrews, Licensing Officer  
Tracey Billington, Licensing Officer  
Kim Evans, Licensing Team Leader  
Vicky Fox, Lawyer  
Martin Kilduff, Licensing Officer  
Bankole Thomas, Lawyer  
Julie Zientek, Democratic Services Officer

#### **1 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor D Edwardes 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 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.

#### **5 19-20/1 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 representative of the licence holder attended the hearing and made representations in respect of the case.

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 the licence holder is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence
- (b) That the Joint Hackney Carriage/Private Hire Driver's Licence be subject to a period of suspension for 14 days as a deterrent sanction.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days of service of the written notice of the decision.

**6 19-20/3 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

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

The applicant was not in attendance at the hearing.

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 is not at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a 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 of service of the written notice of the decision.

**7 19-20/2 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, a representative of the licence holder and a supporter of the licence holder attended the hearing and made representations in respect of the case.

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 the licence holder is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence
- (b) That the Joint Hackney Carriage/Private Hire Driver's Licence be subject to a period of suspension for 2 months as a deterrent sanction.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days of service of the written notice of the decision.

**8 19-20/4 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

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

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

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 the applicant is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the application for a licence be granted for a period of twelve months to enable the applicant to demonstrate that they continue to be a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.
- (b) That the application for a licence be granted subject to successful completion of the Council's in-house knowledge test within three months of receipt of the written notice of the decision.

The applicant was reminded of the right to appeal this decision to the Magistrates' Court within 21 days of service of the written notice of the decision.

The meeting commenced at 10.00 am and concluded at 2.35 pm

Councillor D Edwardes (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Tuesday, 16th July, 2019 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor D Edwardes (Chairman)

Councillors S Davies, H Faddes, K Flavell and L Smetham

### **OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Team Leader  
Vicky Fox, Lawyer  
Martin Kilduff, Licensing Officer  
Bankole Thomas, Lawyer  
Julie Zientek, Democratic Services Officer

### **9 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor D Edwardes 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 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.

### **13 19-20/5 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

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

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

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

The meeting commenced at 10.00 am and concluded at 11.40 am

Councillor D Edwardes (Chairman)

*Committees***Licensing**

- 35 The Licensing functions of the Council shall be carried out by the following bodies:
- 35.1 A full Licensing Committee of 15 Members (with a quorum of 5)
  - 35.2 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising 3 Members drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003.
  - 35.3 Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising 5 Members (with a quorum of 3) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee), to deal with 'general' licensing matters.
  - 35.4 The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee established under paragraph 35.3 above.
- 36 Before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

*Schedule of Functions*

- 37 The Licensing Committee and its sub committees have responsibility for the following licensing and registration functions of the Council:
- 37.1 Caravan sites and moveable dwellings/camping sites
  - 37.2 Hackney carriages and private hire vehicles, drivers and operators
  - 37.3 Sex shops and sex cinemas
  - 37.4 Performances of hypnotism
  - 37.5 Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis
  - 37.6 Pleasure boats and vessels
  - 37.7 Market and street trading
  - 37.8 Premises for the preparation of food
  - 37.9 Scrap yards and motor salvage operators
  - 37.10 Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals
  - 37.11 Employment of children

*Committees*

- 37.12 Charitable collections
- 37.13 Operation of loudspeakers
- 37.14 Storage of celluloid
- 37.15 Meat product premises and dairy establishments
- 37.16 Egg products, butchers and fish products
- 37.17 Auction and wholesale markets
- 37.18 Food business premises
- 37.19 Licensed premises
- 37.20 Gambling
- 37.21 Alcohol Disorder Zones
- 37.22 Public Place Orders.
- 38 With the exception that the power to resolve not to issue a casino licence is reserved to Full Council.
- 39 The functions of the Licensing Committee or Sub-Committee shall be determined by the full committee based on the delegations set out below.
- 40 These delegations to Sub-Committees shall be subject to the proviso that the Chairman or Vice Chairman of the full Committee may refer a matter up from a Sub-Committee to the full Committee where that matter is significant or controversial in nature.

*Ad Hoc Licensing Act 2003/Gambling Act 2005 Sub-Committee*

- 41 All functions under the Licensing Act 2003 and the Gambling Act 2005 shall be determined by the Sub Committee other than the power to set fees for Premises Licences (section 212 2005 Act) which shall be reserved to the full Licensing Committee.

*General Licensing Sub-Committee*

- 42 All functions relating to:
  - 42.1 licensing of hackney carriages and private hire vehicles
  - 42.2 licensing of sex establishments
  - 42.3 licensing of street collections
  - 42.4 licensing of house to house collections
  - 42.5 licensing of street trading
  - 42.6 licensing of scrap metal dealers

*Committees*

- 42.7 any other functions referred it by officers (with the exception of matters under the Licensing Act 2003/Gambling Act 2005) shall be determined by the General Licensing Sub Committee other than the following functions which are reserved to the full Licensing Committee:
- 42.8 power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators
- 42.9 power to set fees for sex establishments
- 42.10 power to designate streets as consent streets, licence streets or prohibited streets.
- 42.11 power to set fees in relation to street trading
- 42.12 power to approve policy in relation to the Scrap Metal Dealers Act 2013
- 42.13 power to set fees and charges in relation to scrap metal dealers licences.







*Working for a brighter future together*

## **Licensing Committee**

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**Date of Meeting:** 02 September 2019

**Report Title:** Designation of Streets within the Borough for the purposes of Street Trading

**Senior Officer:** Frank Jordan – Executive Director Place

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### **1. Report Summary**

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

### **2. Recommendations**

- 2.1. That Members consider the content of the report, the responses received in respect of the consultation and resolve to:
  - I. Pass a resolution confirming the Council's intention to designate the identified streets within in the 'Schedule of Streets' (appendix A) for the purposes of Street Trading, and
  - II. That authority be given to the Licensing Team Leader to follow any necessary statutory procedures including the publication of the required Notices to complete the designation process.

### **3. Reasons for Recommendations**

- 3.1. To ensure that the Council's Street Trading Designations are reviewed and updated to ensure that they remain relevant.

### **4. Other Options Considered**

- 4.1. Consideration has been given to not reviewing the current Street Trading Designations. However, these designations have not been amended since the inception of the Council in 2009.

## **5. Background**

- 5.1. 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).
- 5.2. The purpose of designating streets for the purpose of street trading is to ensure appropriate controls are in place to regulate and ensure that:
  - I. An area is not saturated with street traders to the detriment of permanent businesses
  - II. The highway is not obstructed
  - III. The presence of the trading unit does not present a danger to pedestrians and other road users or an annoyance is caused to residents
- 5.3. In relation to the designation of streets the Committee has the following options:
  - I. 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.
  - II. 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.
  - III. 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
- 5.4. Following publication of the Statutory Notices, the matter will be brought back before the Licensing Committee for further consideration. It would be necessary for the Committee to consider any objections received and to determine whether or not to pass a resolution changing the street trading designations.

## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. 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.

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

- I. The designation of streets as prohibited, consent, or licence
- II. Exemptions
- III. Setting of fees
- IV. Applying conditions
- V. Any offences

6.1.3. 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.

6.1.4. Statutory Process for Designation of Streets

6.1.5. The following statutory process would need to be followed:

- I. A Public Notice would need to be published, stating the Council's intention to pass such a resolution, in a local newspaper.
- II. A Copy of the notice must be served upon the Chief Officer of Police for the area and on the Highway Authority responsible for the street(s) in question.
- III. A period of at least twenty-eight days must elapse from the time of the initial publication of the notice, to the time the Council passes a resolution confirming the proposed designation, to allow for objections. Any objections would be considered by the Committee
- IV. Once a resolution had been passed, after considering any objections received, a Public Notice would need to be published for two consecutive weeks in a local newspaper. The first of these public notices must be published within 28 days of the Council determining the outcome.

## 6.2. Finance Implications

6.2.1. There are a number of Notices that the Council is required to publish, to ensure that the process for designating streets complies with the legislative requirements.

- 6.2.2. These Notices will incur a cost that is estimated to be £5,000. The Licensing Team has made budgetary provision for this process to be undertaken.

**6.3. Policy Implications**

- 6.3.1. The Licensing Committee adopted a Street Trading Policy on the 16th July 2013. This Policy is also subject to review by the Licensing Committee prior to consultation.

**6.4. Equality Implications**

- 6.4.1. Consideration has been given to the application of the 'public sector equality duty' (in accordance with section 149 Equality Act 2010) to the recommendation. The decision requested is likely to have a neutral effect in terms of its impact on those individuals with 'protected characteristics.'

**6.5. Human Resources Implications**

- 6.5.1. There are no direct implications for Human Resources

**6.6. Risk Management Implications**

- 6.6.1. It is good practice to reviewed and updated (where necessary) street trading designations. Designations that have not been review for many years may be more susceptible to challenge or scrutiny if they are no longer relevant.

**6.7. Rural Communities Implications**

- 6.7.1. There are no direct implications for rural communities.

**6.8. Implications for Children & Young People/Cared for Children**

- 6.8.1. There are no direct implications for children and young people.

**6.9. Public Health Implications**

- 6.9.1. There are no direct implications for public health.

**6.10. Climate Change Implications**

- 6.10.1. It is not considered likely that this report will have a positive or negative effect on Climate Change.

**7. Ward Members Affected**

- 7.1. All Wards

## **8. Consultation & Engagement**

- 8.1. The Licensing Team informally consulted on the proposed designations as detailed in appendix A between 15th September 2016 and 27th October 2016 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
  - Cheshire Police
- 8.2. This was an information consultation process designed to ascertain the views of interested parties at the first opportunity. It was not intended to remove the requirement for the statutory consultation required by the legislation.
- 8.3. No relevant consultation responses were received
- 8.4. The publication of Notices referred to in 2.1 gives a further opportunity for objections to the proposed changes to be made.
- 8.5. In the event of objections being received during the statutory consultation process, Members will be asked to consider the views put forward. This may or may not result in changes to the proposals.

## **9. Access to Information**

- 9.1. Any background papers relating to this report can be inspected by contacting the report author.

## **10. Contact Information**

- 10.1. Any questions relating to this report should be directed to the following officer:

Name: Kim Evans

Job Title: Licensing Team Leader

Email: [Kim.Evans@cheshireeast.gov.uk](mailto:Kim.Evans@cheshireeast.gov.uk)

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# Appendix A

## 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 principal 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 Gawsworth 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	

## Appendix A

	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 Street and Grove Avenue