

Licensing Committee

Agenda

Date: Monday 1st March 2021
Time: 2.00 pm
Venue: Virtual Meeting via Microsoft Teams

How to Watch the Meeting

For anyone wishing to view the meeting live, please click on the link below:

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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 in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are 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**

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.

Please contact Helen Davies on 01270 685705
E-Mail: helen.davies@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

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 wishing to ask a question or make a statement 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 the 2 March 2020.

5. **Minutes of Licensing Sub-Committees** (Pages 7 - 54)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

4 August 2020
19 August 2020
9 September 2020
14 September 2020
28 September 2020
2 October 2020
20 October 2020
30 October 2020
6 November 2020
24 November 2020
14 December 2020
15 December 2020
5 February 2021

6. **Annual Review of the Mobile Homes Act 2013- Fees and Charges Policy 2021-2022** (Pages 55 - 68)

To consider the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy for 2021-2022.

THERE ARE NO PART 2 ITEMS

Membership: Councillors J Barber, M Benson, S Davies, D Edwardes (Vice-Chairman), H Faddes, K Flavell, L Gilbert, M Goldsmith (Chairman), A Harewood, S Handley, I Macfarlane, L Roberts, L Smetham, J Weatherill and J Wray

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 2nd March, 2020 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Edwardes (Chairman)

Councillors M Benson, S Davies, H Faddes, L Gilbert, M Goldsmith,
A Harewood, S Handley, I Macfarlane, L Roberts, L Smetham and J Wray

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor M Warren

OFFICERS PRESENT

Alison Burquest, Lawyer
Helen Davies, Democratic Services Officer
Kim Evans, Licensing Team Leader
Nashwan Fazlani, Lawyer
Sarah Sutton, Commercial Services Team Leader
Julie Zientek, Democratic Services Officer

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Barber, K Flavell and J Weatherill.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

17 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 4 November 2019 be approved as a correct record and signed by the Chairman.

18 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED:

That the minutes of the following meetings be received:

- (a) Licensing Act Sub-Committee

23 October 2019

- (b) General Licensing Sub-Committee

14 November 2019

10 December 2019

21 January 2020

13 February 2020

19 ANNUAL REVIEW OF THE MOBILE HOMES ACT 2013 - FEES AND CHARGES POLICY 2020-2021

The Committee considered a report regarding the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2020-21.

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 2020-21, as set out in Appendix 1 to the report, be approved.

20 DESIGNATION OF STREETS WITHIN THE BOROUGH FOR THE PURPOSES OF STREET TRADING

The Committee considered a report which sought Members' approval for amendments to the current designation of streets for the purposes of regulating street trading within Cheshire East.

At its meeting on 2 September 2019, the Licensing Committee had considered a report which detailed proposed changes to the designation of streets for the purposes of street trading. Following the meeting, the Licensing Team had commenced the statutory process for the designation of streets, which included placing notices in various newspapers circulating in the Borough. No objections to the proposed changes had been received.

RESOLVED: That

- (a) a resolution be passed confirming the designation of streets within the 'Schedule of Streets', as set out in Appendix A to the report, for the purposes of Street Trading, and
- (b) 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.

The meeting commenced at 2.00 pm and concluded at 2.18 pm

Councillor D Edwardes (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 4th August, 2020 as a Virtual Meeting.

PRESENT

Councillors M Benson, M Goldsmith and L Smetham

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Licensing Officer, Cheshire Police,
Operational Lawyer, Cheshire Police,
Licensing Practitioner Representative for the Premises License Holder,
Premises License Holder/Designated Premises Supervisor of A-Z
Convenience,
A Translator for the Premise License Holder/Designated Premises Supervisor,
Councillor Liz Braithwaite, Ward Councillor and Objector

25 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 TO REVIEW A PREMISES LICENCE FOLLOWING A CLOSURE ORDER - A - Z CONVENIENCE, 39 SUNDERLAND STREET, MACCLESFIELD SK11 6JL

The Sub-Committee considered a Closure Order and all relevant representations in respect of a premises licence review as triggered by Section 167 of the Licensing Act 2003 for the licence granted to Mr. Nikson Khan the premises know as A-Z Convenience, 39 Sunderland Street, Macclesfield, SK11 6JL. The report outlined the evidence presented by the parties in relation to the review. The order was issued after agreement between the Police and the Premises Licence Holder at Crewe Magistrates' Court on 15th July 2020.

The following persons attending the hearing and made representations:

- the Premises Licence Holder/Designated Premises Supervisor;

- a translator for the Premises Licence Holder/Designated Premises Supervisor;
- a licensing practitioner representative for the Premise License Holder;
- operational lawyer from Cheshire Police,
- licensing Officer from Cheshire Police; and
- Councillor Liz Braithwaite.

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 Closure Order made by Crewe Magistrates' Court on 15 July 2020;
- the Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy; and
- all the evidence, including the oral representations made at the meeting and the written representations of interested parties;

The Sub-Committee determined that it was appropriate and proportionate for the promotion of the licensing objectives engaged by the review, namely the prevention of crime and disorder and protection of children from harm, to **MODIFY** the Premises Licence and that the following course of action had been agreed:

RESOLVED-

That the Premises Licence be modified with conditions attached as agreed between the Premises License Holder and Cheshire Constabulary as follows (save for one amendment to specify that training reviews at the Premises will take place every 4 months):

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises- An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.

This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-

- Recordings are fit for their intended purpose,
- Good quality images are presented to the officer in a format that can be replayed on a standard computer
- The supervisor has an understanding of the equipment/training,

- Management records are kept,
- Maintenance agreements and records are maintained,
- Data Protection principles and signage are in place.

Protection of Children from Harm

A “Challenge 25” policy shall be operated at the premises at all times.

The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority).

Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.

The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal, which shall be made available for inspection by Local Authority Officers and the Police.

The DPS or other responsible person shall check and sign the register once a week.

Alternatively an electronic point of sale refusals log shall be kept.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol.

A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice.

A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

The designated premises supervisor shall attend and pass a formal training course on avoiding underage sales and provide evidence of attendance if requested.

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

Two further conditions will be added to the Premises Licence namely:

- the strength of beers and ciders sold by the Premises shall not exceed 6%;
- the Premises Licence Holder/Designated Premises Supervisor will meet with officers from Cheshire Constabulary and the licensing authority to obtain their confirmation that they are content with measures put in place before the re-opening of the Premises.

The matter was determined at the conclusion of hearing in accordance with Regulation 26(1)(d) Licensing Act 2003 (Hearings) Regulations 2005.

The meeting commenced at 2.00 pm and concluded at 4.04 pm

Councillor Mark Goldsmith (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 19th August, 2020 as a Virtual Meeting.

PRESENT

Councillors D Edwardes, M Goldsmith and S Handley

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

A representative from Marbury Parish Council
Tom and Sally Charlesworth, The Applicants

28 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

29 DECLARATIONS OF INTEREST

There were no declarations of interest.

30 APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT GRANGE FARM WEDDINGS AND EVENTS, GRANGE FARM, HOLLYHURST, MARBURY, WHITCHURCH, SY13 4LY

The Sub-Committee considered a report regarding an application by Grange Barn Weddings and Events for a variation of the Premises Licence under Section 34 of the Licensing Act 2003 in respect of Grange Farm Weddings and Events, Grange Farm, Hollyhurst, Marbury, Whitchurch, SY13 4LY. The report outlined the evidence presented by the parties in relation to the variation.

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

- the application, and
- a resident in the vicinity of Grange Farm.

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 report of Environmental Health; and
- 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 **VARIATION** of Premises Licence be granted.

The Committee were recommended to determine the application (pursuant to s.35 Licensing Act 2003) i.e. to modify the conditions of the licence or reject the application in whole or in part, and in doing so promote the four licensing objectives, having regard to statutory guidance and the council's statement of licensing policy, as well as the rules of natural justice and the Human Rights Act 1998.

The meeting commenced at 2.00 pm and concluded at 2.56 pm

Councillor Mark Goldsmith (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 9th September, 2020 as a Virtual Meeting.

PRESENT

Councillors H Faddes and K Flavell and M Goldsmith

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Lesley Halliday, Licensing Officer- Cheshire Police
Beth Heavey , Operational Lawyer- Cheshire Police

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION TO REVIEW A PREMISES LICENCE AT THIRSTY BEAK CAFÉ BAR, UNIT 5C, DUKES COURT, MILL STREET, MACCLESFIELD, CHESHIRE, SK11 6NN

The Sub-Committee considered a report regarding an application by Cheshire Police for a review to a Premises License at the Thirsty Beak Café Bar, Macclesfield, Cheshire under Section 51 of the Licensing Act 2003. The report outlined the evidence presented by the parties in relation to the review.

The following persons attending the hearing and made representations:

- operational lawyer from Cheshire Police, and
- licensing Officer from 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; and
- 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 Premises Licence for the Thirsty Beak Café Bar in Macclesfield, be **SUSPENDED** for a period of four weeks. Additionally the Designed Premises Supervisor, Tracey Warne, be **REMOVED** from post and the License conditions be **MODIFIED** as those proposed by Cheshire Constabulary in relation to the Prevention of Crime and Disorder:

Prevention of crime and disorder

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called: 'CCTV in Licence Premises- An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.

Recorded CCTV images will be maintained and stored for a period of twenty-eight days.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police Officer or an authorised officer of the licencing authority data or footage upon request. All requests for footage ought to be provided within a reasonable time scale.

Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:

- Recordings are fit for their intended purpose;
- Good quality images are presented to the Officer in a format that can be replayed on a standard computer;
- The supervisor has an understanding of equipment/training;
- Maintenance records are kept;
- Maintenance agreements and records are maintained; and
- Data Protection principles and signage are in place.

SIA registered Door Supervisors shall be employed from 22:00 until the close of the premises on both Friday and Saturday evenings, along with bank Holidays, Christmas Eve and New Year's Eve to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity

A written record should be kept on the premises by the Designated Premises Supervisor of every person on the premise as a door supervisor in a register kept for that purpose. That recording shall contain the following details:

- The door supervisors name, date of birth and home address;
- His/Her Security Industry Authority licence number;
- The time and date he/she finishes duty;
- The time of any breaks taken whilst on duty;
- Each entry should be signed by the door supervisor; and
- A record of all incidents taking place in the venue.

That register shall be available for inspection on demand by an Authorised Officer of the Council the Security Industry Authority or a Police Constable.

The premises shall maintain an Incident Log Book and will record all incidents in this book, where the Police are called the log entry should also record the incident number.

The incident book shall be available for inspection on demand by an Authorised Officer of the Council or Police Officer.

AND the additional conditions that

1. the Premises cannot reopen without a Designated Premises Supervisor being in place
2. The Premises cannot reopen without a further inspection by officers from Cheshire Constabulary and the police's confirmation that they are satisfied that steps have been taken to comply with the modified conditions.

The meeting commenced at 2.00 pm and concluded at 3.37 pm

Councillor Mark Goldsmith (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 14th September, 2020 as a Virtual Meeting.

PRESENT

Councillors L Gilbert, M Goldsmith and J Weatherill

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Roger Treglown, an Objector
Kate Hassall and Megan Possart from the organisation 'Speaking Up
Speaking Out', The Applicants

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A PREMISES LICENCE AT SILK MUSEUM SCHOOLROOM, PARK LANE, MACCLESFIELD, CHESHIRE, SK11 6TJ

The Sub-Committee considered a report regarding an application by Speaking Up, Speaking Out for a Premises Licence, under Section 17 of the Licensing Act 2003 in respect of Silk Museum Schoolroom, Park Lane, Macclesfield, Cheshire, SK11 6TJ. The report outlined the evidence presented by the parties in relation to the variation.

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

- the applicant; and
- a resident in the vicinity of Silk Museum Schoolroom.

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; and

- All the evidence, including the oral representations made at the meeting and the written representations of interested parties and of the Responsible Authority.

The following course of action had been agreed:

RESOLVED-

That the application for a Premises Licence be **GRANTED** subject to the conditions as proposed by Cheshire Constabulary for the Protection of Children from Harm (listed here as a) – j) for ease of reference), namely:

- a) A “Challenge 25” policy shall be operated at the premises at all times.
- b) The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)
- c) Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.
- d) The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.
- e) The DPS or other responsible person shall check and sign the register once a week.
- f) Alternatively an electronic point of sale refusals log shall be kept.
- g) A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.
- h) The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.
- i) A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.
- j) Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

The meeting commenced at 2.00 pm and concluded at 2.33 pm

Councillor Mark Goldsmith (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 28th September, 2020 Virtually

PRESENT

Councillors K Flavell, M Goldsmith and I Macfarlane

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Matt, Dave and Nick, the Applicants
Rebecca Ingram, the Solicitor for the Applicants
John Gilbert, a Local Resident and Objector

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A PREMISES LICENCE AT LANGLEY CRICKET CLUB, COCK HALL LANE, LANGLEY, SUTTON, SK11 0DE

The Sub-Committee considered a report regarding an application by Langley Cricket Club for a Premises Licence, under Section 17 of the Licensing Act 2003 in respect of Langley Cricket Club, Cock Hall Lane, Langley, Sutton, SK11 0DE. The report outlined the evidence presented by the parties in relation to the new grant application.

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

- the applicants;
- A Solicitor for the applicants and
- a resident and objector.

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; and
- 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** subject to the conditions as outlined in the application:

OPERATING SCHEDULE

Hours

Monday -Thursday 10:00- 23:00 (plus 30 minutes dispersal)

Friday, Saturday (and Bank Holiday Sundays): 10:00- 00:00 (plus 30 minutes dispersal)

Sunday 10:00- 22:30 (plus 30 minutes dispersal)

A) The Prevention of Crime and Disorder

- 1) An appropriate CCTV system shall be maintained and operated at the premises.
- 2) Recorded CCTV images will be maintained and stored up for a period of 28 days and shall be produced to the Police or Licencing Authority upon request.
- 3) If necessary in relation to any event, by reference to a risk assessment, SIA registered security staff shall be employed at such times and in such numbers as required.
- 4) Open containers of alcohol shall not be removed from the grounds of the Cricket Club.
- 5) Staff who are to sell alcohol will be trained in the requirements of the licencing act 2003 with regards to the licencing objectives and the laws relating to underage sales and the sale of alcohol to intoxicate persons, and that training shall be documented and repeated at 6 monthly intervals.
- 6) A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

B) Public Safety

- 1) Appropriate first aid equipment will be available at the premises at all times.
- 2) Regular safety checks shall be carried out by staff.
- 3) Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
- 4) The premises shall maintain an incident log on public liability insurance.

C) Prevention of Public Nuisance

- 1) Licensable activities shall be permitted to take place externally beyond 7pm on a maximum of 8 occasions per annum, such occasions to be

notified to local residents in the vicinity and maximum a minimum of 14 days prior to the event.

- 2) On any occasion when events involving regulated entertainment are taking place externally member of staff will undertake regular perimeter checks of sound levels, with the use of sound level meter. When necessary by reference to these checks, the volume of music shall be reduced to ensure that a nuisance is not caused. Records of the sound level checks shall be kept, including the time of the check, the level recorded in any remedial action taken.
- 3) Noise from amplified music or voices shall not be cause shall not be such as to cause a noise nuisance to occupants of nearby premises.
- 4) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 5) The Cricket Club grounds and immediate surrounding area shall be cleared of litter at regular intervals.
- 6) Notices will be positioned at the exits to the ground requesting customers to leave in a quiet manner.
- 7) Doors and windows within the club house are to remain closed after 11pm, save for access and egress.
- 8) A dispersal policy shall be implemented and adhered to (see attached).

D) The protection of Children From Harm

- 1) A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
- 2) Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
- 3) Notices advising what forms of ID are acceptable must be displayed.
- 4) Notices must be displayed in prominent positions indicating that the Challenge 25 Policy is in force.

The meeting commenced at 10.00 am and concluded at 12.48 pm

Councillor Mark Goldsmith (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 2nd October, 2020 Virtually

PRESENT

Councillors D Edwardes and S Handley and M Goldsmith

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Gemma Douglas and Lisa Hamlet, the Applicants
Michelle Hazelwood, the Solicitor for the Applicants
Nick Green, an Objector

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

**3 APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT
EIGHT FARMERS, 104 PARKERS ROAD, LEIGHTON, CHESHIRE, CW1
4PY**

The Sub-Committee considered a report regarding an application by Marston's PLC for a variation to the Premises Licence under section 34 of the Licensing Act 2003 in respect of Eight Farmers, 104, Parkers Road, Leighton, Cheshire, CW1 4PY. The report outlined the evidence presented by the parties in relation to the variation.

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

- the applicants;
- a Solicitor for the applicants; and
- a resident and objector.

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) and the steps appropriate to promote them; and
- 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 outlined in the application:

The premises licence Holder seeks to offer the provision of food more widely externally as well as internally. It is also considering following the end of lock down the opportunity to use the extensive car park facilities for Christmas markets/fairs farmers markets and car boot events during which there may be sales of alcohol externally and possibly the provision of late night refreshment on rare occasions; such as Bonfire night and Halloween when people may remain outside for an event but sales of alcohol externally will have ceased.

It is therefore proposed that the external area and car park area the description of which is identified upon drawing named site plan as the area edged red. The area to interior of the premises remains unchanged.

Application is made in respect of only the sale of alcohol and late night refreshment to the same hours as that permitted under the licence.

Application is made to licence the external areas as follows:

Late Night Refreshment

Monday to Sunday

23:00 to 23:30

Retail Sale of alcohol

Monday to Saturday

10:00 to 22:30

Sunday

11:00 to 22:30

No application is made to amend the licensable activities nor the times in respect of which they operate internally.

In addition to these conditions, the Sub-Committee agreed to the following conditions:

- The use of the carpark area for events involving licensable activities is to be limited to 12 days in any calendar year;
- Written notice is to be given to Cheshire Constabulary, Environmental Health and the Licensing Authority at least 7 working days of events being held in the carpark; and
- The provision of late-night refreshment outdoors is to be limited to 12 days in any calendar year and to coincide with those days on which events are held in the carpark.

The meeting commenced at 10.00 am and concluded at 11.54 am

Councillor Mark Goldsmith (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 20th October, 2020 as a Virtual Meeting.

PRESENT

Councillors L Gilbert, M Goldsmith and J Wray

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Vincent Ruane, Applicant
Paolo Merendoni, Objector

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A PREMISES LICENCE AT THE SERVICE COURSE LTD, 56 ALDERLEY ROAD, WILMSLOW, SK9 1NY

The Sub-Committee considered a report regarding an application by The Service Course Limited for a Premises Licence, under Section 17 of the Licensing Act 2003 in respect of The Service Course Ltd, 56 Alderley Road, Wilmslow, SK9 1NY. The report outlined the evidence presented by the parties in relation to the new grant application.

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

- the applicant; and
- an objector.

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) and the steps appropriate to promote them; and
- 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 outlined in the application:

Prevention of Crime and Disorder

- a) A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.
- b) Recorded CCTV images will be maintained and stored for a period of twenty-eight days.
- c) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request.
- d) Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to demonstrate the following:
 - Recordings are fit for their intended purpose
 - Good quality images are presented to the officer in a format that can be replayed on a standard computer
 - The supervisor has an understanding of the equipment/training
 - Management records are kept
 - Maintenance agreements and records are maintained
 - Data Protection principles and signage are in place.

Protection of Children from Harm

- e) A “Challenge 25” policy shall be operated at the premises at all times.
- f) The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)
- g) Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.
- h) The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by Local Authority Officers and the Police.
- i) The DPS or other responsible person shall check and sign the register once a week.
- j) Alternatively an electronic point of sale refusals log shall be kept.
- k) A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.
- l) The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.
- m) A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.
- n) Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.
- o) Young people under the age of 18 shall not be permitted to remain on the Premises after 20:00 hrs unless attending a pre-booked private function. A diary of privately booked functions shall be kept

and shall be made available for inspection at the request of Local Authority Officers and Police.

Prevention of Public Nuisance

- p) Background music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
- q) The applicant shall co-operate with Police or Officers of the Local Authority in the implementation of any initiatives to combat crime, disorder, anti-social behaviour or nuisance in the vicinity.
- r) The premises licence holder shall take appropriate measures to ensure that patrons leave the premises in a quiet and orderly fashion.

The meeting commenced at 10.00 am and concluded at 10.29 am

Councillor M Goldsmith (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 30th October, 2020 as Virtual Meeting.

PRESENT

Councillors M Benson and A Harewood

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Dominic Gottelier Manager and Applicant,
Rebecca Ingram, Solicitor for the Applicant,
Nick Kelly Environmental Health, Objector
Councillor Paul Findlow, Objector,
Prestbury Parish Council, Objector,
Local Resident, Objector

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A NEW PREMISES LICENCE AT THE BRIDGE HOTEL, THE VILLAGE, PRESTBURY, SK10 4DQ

The Sub-Committee considered a report regarding an application by The Bridge Cheshire Limited for a premises licence under the Licensing Act 2003 in respect of The Bridge Hotel, The Village, Prestbury, SK10 4DQ together with objections and support.

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

- the Applicant;
- Solicitor for the Applicant;
- Environmental Health;
- Local Ward Member;
- The Parish Council; and
- an Objector.

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) and the steps appropriate to promote them; and
- 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 outlined in the application:

A) The Prevention of Crime and Disorder

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both externally and internally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS on an event by event basis.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the hotel or its grounds.
8. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.

9. Any and all instances of crime and disorder will be reported promptly to the police.

10. An incident log shall be kept at the premises and made available for inspection on request to an authorised officer of the Council or Police, which will record the following:

- (i) All crimes reported to the venue
 - (ii) Any complaints received
 - (iii) Any refusal of the sale of alcohol
 - (iv) Any visit by a responsible authority or emergency service
- The incident log shall be reviewed and signed by the DPS on a monthly basis.

B) Public Safety

1. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain public liability insurance.
5. All exit routes throughout the premises shall be kept unobstructed, free of trip hazards and clearly signed.
6. Public areas will be maintained free from obstruction and trip hazards.

C) The Prevention of Public Nuisance

1. Appropriate and effective measures shall be taken at all times to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the nearest residential premises.
2. The grounds of the hotel shall be cleared of litter at regular intervals.
3. Conspicuous notices shall be erected in positions within the Hotel building and at exit doors which are clearly noticeable to patrons – to request customers to be considerate in terms of noise as they leave the premises and to leave the area quickly and quietly. This should be reinforced by staff and any DJ/band as patrons leave the building.
4. All external windows and doors shall be closed whilst amplified music is taking place, except for normal access and egress.
5. No licensable activities shall take place outside after 11pm daily.
6. Outside areas shall not be used, save for smokers, after 11pm Sunday to Thursday and midnight Friday and Saturday (and Bank Holiday Sundays).
7. The premises licence holder shall maintain a tamper proof in house sound system which must be used for all performances of live and recorded music. The

sound system will include a limiter which will be set, in conjunction with the Environmental Health Team at Cheshire East Council, at such a level as to ensure that a nuisance is not caused to nearby noise sensitive properties.

8. The Licence Holder/Designated Premises Supervisor or responsible person nominated by him/her in charge of the premises shall ensure that regular noise assessments are made around the site boundary during the playing of live and amplified music to ensure that any noise emanating from the premises is not likely to cause a noise nuisance at the boundary of the nearest noise sensitive properties. Appropriate action shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents. A log book shall be maintained which details the date, time, type of entertainment, person undertaking the check, notes as regards the assessment of the noise and action taken if necessary. The log book should be kept at The Bridge Hotel and made available for inspection by an authorised officer of the Council at any time.

9. Live and recorded music shall not take place externally after 10.30pm on any day.

10. A Dispersal Policy and a Smoking and Al-Fresco Dining Policy shall be implemented and adhered to – see attached.

11. Customers shall be permitted to stay inside the premises whilst waiting for taxis.

12. There shall be no disposal of bottles outside the premises between the hours of 20:00 and 09:00.

13. There shall be no disposal of refuse outside the premises or deliveries made to the premises between the hours of 20:00 and 07:30.

14. The Licence Holder/Designated Premises Supervisors or responsible person nominated by him in charge of the Premises shall ensure that the Premises, including the car park, are vacated quietly within 30 minutes of the terminal hour of the Licence, and that proper supervision of all persons leaving the car park and otherwise leaving the premises is provided.

15. Conspicuous notices shall be positioned in the car park requesting patrons to make the minimum amount of noise on leaving.

D) The Protection of Children from Harm

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.

2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

3. Notices advising what forms of ID are acceptable must be displayed.

4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

Additionally, the Committee agreed two further conditions, being:

- A noise management plan in respect of any marquee use at the Premises shall be submitted for approval to the licensing authority;
- The Premises Licence Holder shall consult the local authority's environmental health department on how to conduct effective external perimeter checks to safeguard against noise nuisance.

The meeting commenced at 10.00 am and concluded at 12.12 pm

Councillor Mark Goldsmith (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 6th November, 2020 as a Virtual Meeting

PRESENT

Councillors L Gilbert, M Goldsmith and J Wray

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Alison Burquest- Legal/Litigation Solicitor
Helen Davies- Democratic Services Officer

ALSO PRESENT

Joanne Clarke- Solicitor for the Police
Lesley Halliday- Police Licensing Officer
PC Matthew Bassirat- Macclesfield Local Policing Unit
Neil Naylor- Premises Manager
Jane Bailey- Premises Manager

4 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 THE PRINCE ALBERT PUBLIC HOUSE, 140 NEWTON STREET, MACCLESFIELD, SK11 6RW

The Sub-Committee considered a report regarding a premises license review instigated by Section 167 of the Licensing Act 2003 for the licence granted to Mr. Simon Johnson, for the premises known as The Prince Albert Public House, 140 Newton Street, Macclesfield, SK11 6RW.

The report outlined the evidence presented by the parties in relation to the review. The order was issued following agreement between the Police and the Premises Licence Holder at Crewe Magistrates' Court on 27th October 2020.

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

- the applicant; and
- Cheshire Police acting as the Responsible Authority.

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) and the steps appropriate to promote them; and
- 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 Premises Licence be **MODIFIED** as outlined in the application by attaching to it those conditions as proposed by Cheshire Constabulary in their entirety. The Sub-Committee added a further 2 conditions as set out below. The conditions are listed as a) – ak) below for ease of reference:

Prevention of Crime & Disorder

- a) A CCTV system shall be in operation both inside and outside the premises and it shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises – An Operational Requirement'. This system shall be in operation at all times when licensable activities are taking place.
- b) Recorded CCTV images will be maintained and stored for a period of twenty-eight days.
- c) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to provide a Police officer or an authorised officer of the licensing authority data or footage upon request. All requests for footage are to be provided within a reasonable time scale.
- d) Designated supervisors will need to demonstrate that their CCTV system complies with their Operational requirements. They will need to be able to demonstrate the following:-
 - Recordings are fit for their intended purpose,
 - Good quality images are presented to the officer in a format that can be replayed on a standard computer
 - The supervisor has an understanding of the equipment/training,
 - Management records are kept,
 - Maintenance agreements and records are maintained,
 - Data Protection principles and signage are in place.
- e) SIA registered Door Supervisors shall be employed from 16:00 until 30 minutes after the close of the premises to such a number as the

management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.

- f) All persons employed at the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or entitle to carry out that activity by virtue of section 4 of that Act.
- g) Door supervisors shall be required to wear reflective waistcoats or jackets to approved standard – to be a specified colour, with approved lettering “security” front and rear and a clear plastic pocket to display the SIA badge in a prominent position.
- h) A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-
 - The door supervisor's name, date of birth and home address;
 - His/her Security Industry Authority licence number;
 - The time and date he/she starts and finishes duty;
 - The time of any breaks taken whilst on duty;
 - Each entry shall be signed by the door supervisor;
 - Record of all incidents taking place in the venue.
- i) That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.
- j) Security staff will ensure the safe and quiet dispersal of customers at the end of trading, encouraging people to leave the area immediately.

Search Policy

- k) The Premises Licence Holder shall put in place a search policy to cover both drugs and weapons for the premises, which shall be to the satisfaction of Cheshire Constabulary.
- l) The Premises Licence Holder or Designated Premises Supervisor shall then ensure that this search policy is complied with at all times when the premises are open for licensable activities.
- m) Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.
- n) All door supervisors shall be trained in search/seizure/arrest procedures at the premises, particularly in relation to controlled drugs and offensive weapons.

Prevention of Public Nuisance

- o) Prominent, clear and legible signs must be displayed at all exits in key areas, requesting the public to respect the needs of the local residents and to leave the premises and area quickly and quietly.
- p) The designated premises supervisor or their representative shall conduct regular assessments of the noise emanating from the premises and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents.
- q) A written record of those assessments and the remedial action taken shall be kept and shall include the date, time of checks and the name of the persons carrying out the checks.
- r) Records shall be made available to Officers of Cheshire East Council or Cheshire Constabulary immediately on request.
- s) No external speakers shall be used outside the building.
- t) Refuse, including bottles, shall not be removed from the building for disposal between the hours of 21:00 and 09:00.
- u) All doors and windows must be kept closed (except to allow ingress and exit) when any amplified music or voices, including live or recorded music are being played within the premises.
- v) The designated premises supervisor shall make arrangement to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.

Outside Area

- w) the outside area in the rear yard of the premises shall be closed at 20:00 hrs each day save for the area that is under cover immediately outside the rear entrance to allow people to smoke.
- x) All furniture shall be removed and stored away by 20:00hrs each day.
- y) When the outside area is in use, there will be a member of staff on duty in the area at all times in order to maintain appropriate noise levels so as not to disrupt local residents and to discourage the use of foul language by customers.

Protection of Children from Harm

- z) A "Challenge 25" policy shall be operated at the premises at all times.
- aa) The only forms of ID that shall be accepted (at the discretion of the Management) as proof of age are a valid passport, a valid photographic driving licence, a PASS approved proof of age card, HM Services Warrant Card or other reliable photo ID (that has been approved for acceptance by the Police or an Officer of the Local Authority)

ab) Publicity materials notifying customers of the operation of the “Challenge 25” scheme shall be displayed at the premises.

ac) The Designated Premises Supervisor or Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal, which shall be made available for inspection by Local Authority Officers and the Police.

ad) The DPS or other responsible person shall check and sign the register once a week.

ae) Alternatively, an electronic point of sale refusals log shall be kept.

af) A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. A written record for each member of staff shall be kept of the content of such training and shall be made available for inspection at the request of Local Authority Officers and Police.

ag) The DPS or Premises Licence Holder shall conduct six monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice. A written record for each member of staff shall be kept of the content of such training reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

ah) A list of persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Local Authority Officers and Police.

ai) Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.

aj) The Premises may not reopen without a Designated Premises Supervisor in place.

ak) The Premises may not reopen without the confirmation and approval of officers from both Cheshire Constabulary and the licensing authority that the measures set out in the licensing conditions are in place.”

The meeting commenced at 10.00 am and concluded at 1.30 pm

Councillor Mark Goldsmith

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 24th November, 2020 as a Virtual Meeting

PRESENT

Councillors L Gilbert and L Smetham

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Nashwan Fazlani- Legal Officer
Helen Davies- Democratic Services Officer

ALSO PRESENT

PC Matt Basirat- Cheshire Police
Kyle Frost-Morgan- Applicant
Lisa Gilligan- Solicitor for the Applicant

7 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 APPLICATION FOR TRANSFER A PREMISES LICENCE UNDER SECTION 42 OF THE LICENSING ACT 2003, ROSANERO RESTAURANT, 83 MILL STREET, MACCLESFIELD SK11 6NN

The Sub-Committee considered a report that detailed a police objection to an application to transfer the Premises Licence, under section 42 of the Licensing Act 2003 for the premises known as Rosanero Restaurant, 83 Mill Street, Macclesfield, SK11 6NN and outlined the evidence presented in relation to the transfer.

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

- the applicant; and
- Cheshire Police acting as a Responsible Authority.

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) and the steps appropriate to promote them; and
- 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 Transfer of the Premises License be **GRANTED** as applied for.

The meeting commenced at 10.00 am and concluded at 11.12 am

Councillor M Goldsmith (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 14th December, 2020 as a Virtual Meeting.

PRESENT

Councillors M Goldsmith, K Flavell and I Macfarlane

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Nashwan Fazlani- Legal Officer
Helen Davies- Democratic Services Officer

ALSO PRESENT

Reece Mercer and Rebecca Hawkins- Applicant
Local Ward Councillor Liz Braithwaite- Objector

10 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 APPLICATION FOR A PREMISES LICENCE AT INDULGE MACC LTD, 4A UNIT 5 CROMPTON ROAD MILL, CROMPTON ROAD, MACCLESFIELD, SK11 8DS

The Sub-Committee considered a report regarding an application by Indulge Macc Ltd for a premises licence under the Licensing Act 2003 in respect of Indulge Macc Ltd, 4A Unit 5, Crompton Road Mill, Crompton Road, Macclesfield, SK11 8DS together with objections and support.

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

- the Applicant; and
- Local Ward Member.

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) and the steps appropriate to promote them; and
- 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** as outlined below:

1. The Licensing Act Sub-Committee, having considered all relevant representations and evidence decided there was an excessively high level of risk of public nuisance which would occur due to noise which would cause an unacceptable level of disturbance to local residents and found that additional conditions could not sufficiently mitigate against.
2. The location of the premises is situated in a highly residential area and although the Licensing Act Sub-Committee had regard to the fact the unit itself is beyond a set of doors, the frequent opening of the doors in addition to the frequent car journeys to the site risk causing a public nuisance due to the noise levels during late and anti-social hours.
3. The Licensing Act Sub-Committee considered whether additional conditions could mitigate the risk of public nuisance stated above but concluded none would be sufficient given the proposed location of the premises is an unsuitable area for a licensed premises of this type and character.
4. The Licensing Act Sub-Committee were deeply troubled with the lack of formal practices and procedures to mitigate against the risks of public nuisance caused by noise during of course of deliveries to customers as detailed previously. They found that the informal measures the Applicant intended to utilise were insufficient to uphold the Licensing Objective of prevention of public nuisance.
5. In making its determination, the Sub-Committee has considered the application of the judgment in *Thwaites v Wirral Borough Magistrates' Court & others [2008] EWHC 838* and the requirement that decisions are made on the basis of evidence of the potential harm to the licensing objectives rather than purely speculative concerns, which the facts revealed in this case highlight.

The meeting commenced at 10.00 am and concluded at 10.39 am

Councillor Mark Goldsmith

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Tuesday, 15th December, 2020 as a Virtual Meeting

PRESENT

Councillors M Goldsmith, L Smetham and L Gilbert

OFFICERS IN ATTENDANCE

Kim Evans- Licensing Officer
Nashwan Fazlani- Legal Officer
Helen Davies- Democratic Services Officer

ALSO PRESENT

Jamie McDonald- Applicant
Dean Murphy- Applicant
Jane Ozel- Objector
Philip Brotherston- Objector
Nick Bramwell- Objector

1 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A NEW PREMISES LICENCE AT THE TYTHERINGTON CLUB, 90 DORCHESTER WAY, MACCLESFIELD, SK10 2JP

The Sub-Committee considered a report regarding an application by The Club Company for a premises licence under the Licensing Act 2003 in respect of The Tytherington Club, 90 Dorchester Way, Macclesfield, SK10 2JP together with objections and support.

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

- the General Manager;
- the Applicant; and
- 3 local residents and objectors.

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) and the steps appropriate to promote them; and
- 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 outlined in the application:

1. In granting the application, the Licensing Act Sub-Committee used their power under the Licensing Act 2003 S18(4)(B) to exclude from the scope of the licence the following licensable activities to which the application relates; live music (outdoors) and recorded music (outdoors).
2. The Sub-Committee also used their power under the Licensing Act 2003 S18 (4)(A) to grant the application subject to the conditions agreed between the Applicant and Cheshire Constabulary and the following additional condition;

'On the days of Monday – Saturday, Sale and Supply of Alcohol must cease 30 minutes prior to closure of the hotel bar and in any event no later than 01:00'.

3. The Licensing Act Sub-Committee also used their power under the Licensing Act 2003 S18(4)(A) to grant the application subject to the following modifications:

Sale and Supply of Alcohol

Monday to Saturday 12.00 to 01.00 (Subject to the condition mentioned above)

Sunday and Christmas Day 12.00 to 23.30

From the end of permitted hours on New Years Eve to the commencement of hours on New Years Day

Live Music (INDOORS ONLY)

Monday to Saturday 12.00 to 01.00

Sunday and Christmas Day 12.00 to 00.30

(Sunday preceding bank holiday except Easter Sunday 1am)

From the end of permitted hours on New Years Eve to the commencement of hours on New Years Day

Recorded Music (INDOORS ONLY)

For hours premises are open to the public

Performances of Dance (INDOORS ONLY)

Monday to Saturday 12.00 to 01.00

Sunday and Christmas Day 12.00 to 00.30

(Sunday preceding bank holiday except Easter Sunday 1am)

From the end of permitted hours on New Years Eve to the commencement of hours on New Years Day

Anything of a similar description to live music, recorded music and performances of dance (INDOORS ONLY)

Monday to Saturday 12.00 to 01.00

Sunday and Christmas Day 12.00 to 00.30

(Sunday preceding bank holiday except Easter Sunday 1am)

From the end of permitted hours on New Years Eve to the commencement of hours on New Years

Late night refreshment

Monday to Saturday 23.00 to 01.30

Sunday and Christmas Day 23.00 to 24.00

From 23.00 on New Years Eve to 05.00 on New Years Day

The meeting commenced at 10.00 am and concluded at 10.45 am

Councillor Mark Goldsmith

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 5th February, 2021 as a Virtual Meeting via Microsoft Teams

PRESENT

Councillors M Goldsmith, M Benson and K Flavell

OFFICERS IN ATTENDANCE

Helen Davies- Democratic Services Officer
Kim Evans- Licensing Officer
Nashwan Fazlani- Legal Officer
Stephen Medley- Daley- Legal Officer

ALSO PRESENT

Kaye Harrison- Applicant
Dr. Mike Kemp- Objector

4 APPOINTMENT OF CHAIRMAN

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 APPLICATION FOR A PREMISES LICENCE AT LA PETITE FROG, SOUTH PARK, PARK GROVE, MACCLESFIELD, SK11 8AD

The Sub-Committee considered a report regarding an application by Kaye Harrison for a premises licence under the Licensing Act 2003 in respect of La Petite Frog, South Park, Park Grove, Macclesfield, SK11 8AD together with objections and support.

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

- the Applicant; and
- 1 local resident objector.

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) and the steps appropriate to promote them; and
- 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 outlined in the application with the additional condition:

That there be no stocking or sale of beers, and lagers and/or ciders above 6% ABV at the premises.

The meeting commenced at 10.00 am and concluded at 10.55 am

Councillor Mark Goldsmith (Chairman)(none)



Working for a brighter future together

Licensing Committee

Date of Meeting: 01 March 2021

Report Title: Annual review of the Mobile Homes Act 2013 - Fees and Charges Policy 2021-2022

Senior Officer: Frank Jordan – Executive Director of Place and Deputy Chief Executive

1. Report Summary

- 1.1. In accordance with the Mobile Homes Act 2013 (MHA13), the Council is permitted to charge a fee for administering the statutory licensing function for residential caravan sites. As part of fee setting the Council is required to have a Fees and Charges Policy in place for mobile home sites, which must be reviewed annually to reflect the cost of administering the licensing function. This report provides the background to the development of an updated charging policy for 2021-2022.

2. Recommendation

- 2.1 The Licensing Committee is asked to approve the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2021-2022 as set out in Appendix 1.

3. Reasons for Recommendation/s

- 3.1. In accordance with the Mobile Homes Act 2013, the Council must produce a Fees and Charges Policy for the licensing of residential caravan sites where it intends to recover the costs of the service that it provides. These fees and charges shall be reviewed annually to reflect the costs of administering the licences.

4. Other Options Considered

- 4.1. Cheshire East Council has implemented a charging scheme for mobile home licensing functions for several years and in accordance with the Mobile Homes Act 2013. In taking this approach it has committed to the production of a charging policy each year which provides a 'cost recovery' charging structure in accordance with guidance from the Secretary of State.

- 4.2. The Council could decide not to charge for this function and consequently would not need to produce and publish a charging strategy. This would however be contrary to the Council's Charging and Trading Strategy.

5. Background

- 5.1. In accordance with the MHA13, the Council may charge a fee for issuing and administering licences for residential caravan sites. In addition to the licensing of sites the Council may also set a fee for other functions such as maintaining a register of site rules and transferring or amending licences.
- 5.2. The Council must set fees on a "cost recovery" only basis. Therefore, the fees have been set using a time monitoring approach together with officer knowledge of the times involved for carrying out the various functions. This ensures the fees set are as accurately as possible.
- 5.3. The following is a summary of the proposed fees and charges as set out in the Mobile Homes Act 2013 Fees and Charges Policy 2021-2022. The fees have been calculated for caravan sites as both an initial application fee and an annual fee. 2020-2021 fees are provided for reference purposes.

Number of Pitches	2020-2021 Application Fee	2020-2021 Annual Fee	2021-2022 Application Fee	2021-2022 Annual Fee
< =10	£198.00	£198.00	£202.00	£202.00
< =20	£241.00	£241.00	£245.00	£245.00
< =30	£283.00	£283.00	£294.00	£294.00
< =40	£353.00	£353.00	£371.00	£371.00
< =50	£389.00	£389.00	£416.00	£416.00
> 50	£463.00	£463.00	£495.00	£495.00

Additional fees that can be levied on sites are proposed below. 2020-2021 fees are again provided for reference purposes.

- Site Licence Transfer Fee - £116.00 (2020-2021 - £116.00);
- Licence amendment (simple) - £116.00 (2020-2021 - £116.00);
- Application by the licensee for amendment of conditions - £348.00 (2020-2021 - £348.00); and
- The deposit of site rules - £38.00 (2020-2021 £38.00)

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. Sections 3(2A) and 5A of the Caravan Sites and Control of Development Act 1960 provide local authorities with the power to charge a fee for administering licences for “relevant protected sites.” In addition, section 1(3) sets out that where ‘a local authority sets a fee it must inform the licence holder of the matters to which they have had regard in fixing the fee for the year in question...’. Guidance from the Secretary of State recommends that this should be undertaken by adopting a Mobile Homes Act 2013 Fees and Charges Policy.

6.1.2. A review of fees and charges has been undertaken and this has been used to produce a proposed charging policy for 2021-2022 (Appendix 1).

6.2. Finance Implications

6.2.1. With respect to residential caravan sites, local authorities are able to set a range of fees and charges on a “cost recovery” only basis, as set out in guidance issued by the Secretary of State to local authorities. The proposed new fees (see table in paragraph 5.3) are based on a cost accounting process that reflects site size, officer input and other associated costs.

6.2.2. In addition to the licensing function, the guidance also proposes additional fees and charges which can be set by local authorities, such as the depositing of site rules and the issuing, transferring or amending of site licences, which are the more administrative functions of the regime. The proposed new fees (see paragraph 5.3) are based upon officer time and associated costs.

6.3. Policy Implications

6.3.1. The purpose of this report is to approve the Mobile Homes Act 2013 – Fees and Charges Policy 2021-2022.

6.4. Equality Implications

6.4.1. There are no direct equality implications arising from this report.

6.5. Human Resources Implications

6.5.1. There are no direct resource implications arising from this report.

6.6. Risk Management Implications

6.6.1. The MHA13 specifically allows local authorities to set a local scheme of fees and charges on a cost recovery only basis.

6.6.2. Where a local authority does choose to implement a charging regime this must be supported by a charging policy. This report addresses that need by providing a policy and seeking relevant approval for its implementation.

6.6.3. As with all locally set fees and charges, there is a risk of challenge by those to whom the fee relates. However, it is hoped that the transparent approach to fee setting and the consideration of national guidance on this matter will minimise this risk.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People

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. The Mobile Homes Fees and Charges Policy has no implications for climate change.

7. Ward Members Affected

7.1. Borough wide.

8. Consultation & Engagement

8.1. There are no requirements in legislation for any prior consultation or engagement.

9. Access to Information

9.1. The background papers relating to this report are available from the following sources.

The Mobile Homes Act 2013 is available here

<http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted>

The Mobile Homes (Site Rules) (England) Regulation 2014 is available here
<http://www.legislation.gov.uk/cy/uksi/2014/5/made>

10. Contact Information

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

Name: Sarah Sutton
Job Title: Commercial Services Team Leader
Email: sarah.sutton@cheshireeast.gov.uk

Appendix 1

Mobile Homes Act 2013 Fees and Charges Policy 2021-2022

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Regulatory Services and Health

Mobile Homes Act 2013 Fees and Charges Policy

2021-2022

Contents

- 1 Executive Summary
- 2 Introduction
- 3 Setting of Fees and Charges
- 4 Establishing number of units (Caravans) per site
- 5 Licensing Fees
 - 5.1 Considerations
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 - 5.3 New Licence Fee
 - 5.4 Transfer Fee
 - 5.5 Licence Amendments Fee
 - 5.6 Fee Combination
 - 5.7 Fees and Charges Payment Timeframes
- 6 Fees for Depositing Site Rules
- 7 Exemptions
- 8 Charges for Enforcement Notices
- 9 Review

1. Executive Summary

The Mobile Homes Act 2013 (MHA13) introduced new requirements for residential caravan sites only, which are referred to as Relevant Protected Sites in the legislation. It also amends the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983.

The MHA13 allows local authorities to charge for a range of licensing functions on a cost recovery basis and includes the following as chargeable functions;

- Licence applications;
- Annual licence fees;
- Licence amendments, when requested by the site owner;
- Transfer of a licence; and
- Deposit of site rules.

In order to be able to implement any fees and charges, Cheshire East Council must publish a fees and charges policy setting out all the relevant charges and how they have been calculated. This policy document is designed to fulfil the requirements of the legislation and enable Cheshire East Council to levy a charge for undertaking the licensing of residential caravan sites. In accordance with guidance, the Policy will be reviewed annually to ensure all the fees and charges are updated to cover costs of administering the licensing regime to the relevant sites. The Policy will be published and available on request from members of the public.

The fees will not apply to sites which are classed as non-residential such as those used for recreational or holiday use or those which do not require a site licence.

The MHA13 also introduced fees and charges for the deposit of site rules and maintaining a fit and proper person register. However, the requirements in respect of the fit and proper person register have not yet been enacted and therefore there is no proposal to levy a charge at the present time.

2. Introduction

The MHA13 received royal assent on the 26th March 2013, and introduced important amendments to the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983. The legislation amends how local authorities license residential caravan sites, which are termed as “relevant protected sites” under the MHA13.

The MHA13 introduced the ability for local authorities to charge fees for a range of activities associated with regulating relevant protected sites. Local authorities were able to implement the new fees and charges from the 1st April 2014. The range of site licensing functions, which attract a charge include;

- Determining and issuing new site licences;
- Annual fee for licensing existing residential sites;
- Amendments to site licences;
- Transferring existing licences to new site owners;
- Deposit of site rules with the Council; and
- Costs associated with issuing Enforcement Notices on site owners.

The site owner or licensee is responsible for the payment of all associated fees, as set out above, however they are only allowed to pass the equivalent cost of the annual licensing fee to site residents.

3. Setting of Fees and Charges

In setting the fees and charges relating to the MHA13 functions, the Council has taken into account both national guidance and local policies. The aim being to ensure that the setting of the various fees is proportionate and transparent. In line with this, the MHA13 only allows Councils to set fees and charges to recover the actual costs incurred.

In 2015, it was decided to set the fees based on the number of units per site, which are banded into the following categories:

Less than or equal to 10 caravans
Less than or equal to 20 caravans
Less than or equal to 30 caravans
Less than or equal to 40 caravans
Less than or equal to 50 caravans
Greater than 50 caravans

This approach is based on using the number of units set out in the planning permission granted for the site or as historically numbered in the site licence where there is no specific number in planning terms.

4. Establishing the units (caravans) per Site

All sites have varying numbers and types of units (qualifying caravans); the most equitable method for setting fees would be to make it relative to the number of units on site. This is supported by officer experience; more time is spent licensing and inspecting those sites with a greater number of units compared to those with only a few, however size alone is not the only factor to consider. Therefore, it is important to establish the definition of a unit and how the Council determines the number of units per site.

For the purposes of this policy a unit (caravan) is classed as a single dwelling, which is capable of being moved from one place to another. This can be in the form of a traditional caravan, which is towed on the back of a vehicle or a chalet type dwelling normally made up of one or two parts joined together on site. The precise definition of a caravan can be found in Section 29(1) of the Caravan Sites and Control of Development act 1960 (as amended).

It is important for the setting of fees and charges to be able to determine the precise number of units on each site. All sites must have planning permission, deemed permission for those sites in existence with the enactment of the Caravan Sites and Control of Development Act 1960 or a Certificate of Lawful Use, which sets out the maximum number of permissible units. This will be the determining factor for calculating the number of units for each site. However, there may be occasions due to historic use where this information is not available within the planning permission granted for the site and in these instances, calculations will be based on the number of units set out in the existing site licence.

5. Licensing Fees

5.1 Considerations

The following fees per band have been set using officer experience and previous time records as to the typical time taken for various activities, officer grades and on-costs, which include;

- Administration of licence fees;
- Pre and post inspection preparation and administration;
- Site inspection and where required re-inspection (including travelling time and mileage allowances at current rates);
- General administration and Licensing activities outside of the inspection related role (site liaison/advice, complaints and enquiries regarding caravan sites, maintaining files, electronic records and cost accounting);
- Training and research;
- Maintenance and development of ICT systems;
- Support and shared services on-costs e.g. HR and Legal
- Officer pay grades – these range from a grade 5 officer to grade 11 and reflects the amount of time required for each grade.

5.2 Annual Fee

The annual fees are;

Number of pitches	Cost
<=10	£202.00
<=20	£245.00
<=30	£294.00
<=40	£371.00
<=50	£416.00
>50	£495.00

5.3 New Application Licence Fee

It is estimated that processing a new licence would not be considerably different to the work proposed for the annual licence and as such it will duplicate the annual licence fee. Therefore, the fees for processing all new licence applications will be as follows:

Number of pitches	Cost
<=10	£202.00
<=20	£245.00
<=30	£294.00
<=40	£371.00
<=50	£416.00
>50	£495.00

5.4 Transfer Fee

A fee of £116.00 will be charged to cover this function, which is estimated to take 4 hours of officer time plus associated administration cost.

5.5 Licence Amendments Fee (application)

There is a statutory requirement to consult appropriate parties with regards to changes to any site licence conditions; this in turn has an impact on officer costs. Therefore, in setting the fees below, the same considerations will be used in section 5.1.

1. Licence amendment (simple) £116.00.
Simple amendments are those requested by the site to change non condition related details e.g. site name change or changes to registered offices or mail addresses.
2. Licence (condition etc.) amendments application fee £348.
Changes to the condition(s) will require consultation with both residents and the respective resident association, which will greatly increase the work required for undertaking of this function.
3. Changes imposed by Local Authority – no charges payable.

5.6 Fee Combination

New sites are required to apply for a site licence on a non-refundable fee basis as this will cover the administration and verification of application documents, whether granted or refused. Where the licence is granted the annual fee is also payable within the same year.

In cases where both simple and 'condition' amendments are requested the fees will be whichever is the greatest.

5.7 Fees and Charges Payment Timeframe

Annual Fees and Charges will be levied from the 1st of April each year and all other fees are per application or required function. The payment of fees will be in line with the Council's current terms, which is 28 days from the date of the invoice. Where a fee becomes overdue the council will issue a reminder to the site licence holder seeking payment. Where fees remain outstanding the service will liaise with the legal team on options available to recover debt. The ultimate sanction for non-payment can be that the Council may apply to the Housing Tribunal for an order to revoke the site licence.

6 Fees for Depositing Site Rules

Site rules are different to site licence conditions in that they are neither created nor enforced by the Council. They are a set of rules created by the site owner with which residents have to comply and whilst they may reflect the site licence conditions, they will also cover matters unrelated to licensing. The MHA13 amends the Mobile Homes Act 1983 and requires existing site rules to be updated and deposited with the local authority within a specified timescale.

Local authorities will also be required to establish, keep up to date and publish a register of sites, which have deposited their site rules. In doing so, a local authority may levy a fee for the deposit, variation or deletion of site rules.

The administrative system for holding and publishing site rules estimates two hours of officer time per site. It is therefore appropriate to set a fee of £38.00 (based on the appropriate hourly rate and associated administration) for the checking and depositing of site rules by site owners.

7 Exemptions

Local Authorities can elect to exempt sites for reasons of risk and/or cost, scale etc.

- Any site that does not require a licence.
- Any site used exclusively for recreational type use.
- Any site exempted by legislation such as the Caravan Sites and Control of development Act 1960; Schedule 1.
- A recreational site where planning permission/Certificate of Lawful Use has been issued and the number of residential units on the site is 5% or less of the overall capacity.
- In accordance with the legislation Gypsy and Traveller sites owned by the Local Authority that do not require a site licence.

8 Charges for Enforcement Notices

From the 1st April 2014, Section 9A of the MHA13 allows local authorities to serve statutory notices on site owners for non-compliance with licence conditions and to make a charge for that notice. These notices set out what the site owner must do to comply with the relevant licence condition(s) and the timescales. In accordance with the legislation, the site owner is not allowed to pass this charge on to residents of the site.

In accordance with the amendments imposed by the MHA13, the Council is entitled to recover costs associated with the service of a notice. This includes the costs incurred with inspections, preparing the notice and obtaining expert advice (including legal costs) and any interest the Council intends to charge. The demand for recovery is served with the notice and must provide a clear breakdown of the costs incurred. The right to recover costs is subject to appeal by the site owner in certain circumstances. These will therefore be calculated on a case by case basis. Where compliance with a notice is achieved through works in default then these costs would be passed on to the site owner.

Please note that this charge is only for the service of enforcement notices. Any associated costs with taking any action for non-compliance such as action in Magistrates Court are recoverable through the court costs.

9 Review

This fees and charges policy will be published on the Cheshire East Council website. The fees detailed in this policy have been determined based on experience of dealing with mobile home site licensing and with consideration of the changes the MHA13 has introduced. In addition, at the time of producing this policy some elements of the licensing regime are still awaiting further regulation by government (fit and proper person), which may impact on the processes and time involved resulting in a revision to the proposed charges.

This policy will be revised no later than 31st March 2022 in line with the Council's fee setting process.