

# Licensing Committee

## Agenda

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**Date:** Monday, 10th January, 2022  
**Time:** 2.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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**PLEASE NOTE** – This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. This may only be removed when seated.

**The importance of undertaking a lateral flow test in advance of attending any committee meeting.** Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/coronavirus/testing-for-covid-19.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx)

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be 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**

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For requests for further information

**Contact:** Helen Davies

**Tel:** 01270 685705

**E-Mail:** [helen.davies@cheshireeast.gov.uk](mailto:helen.davies@cheshireeast.gov.uk)

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

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

In accordance with paragraph 2.32 of the Committee Procedural Rules and Appendix 7 to the Rules a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

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

4. **Minutes of Previous Meeting** (Pages 5 - 8)

To approve the minutes of the meeting held on the 1 March 2021.

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

To receive the minutes of the following meetings:

a) **Licensing Act Sub-Committee** (Pages 9 - 50)

14 December 2021  
22 November 2021  
9 November 2021  
20 September 2021  
10 September 2021  
30 July 2021  
24 June 2021  
17 June 2021  
21 May 2021  
14 May 2021  
4 May 2021  
30 April 2021  
29 April 2021  
23 April 2021  
9 April 2021

b) **General Licensing Sub-Committee** (Pages 51 - 54)

21 October 2021  
27 April 2021

6. **Annual Review of the Mobile Homes Act 2013- Fees and Charges Policy 2022-2023** (Pages 55 - 68)

To consider the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy for 2022-2023.

7. **Review of Licensing Fees and Charges** (Pages 69 - 76)

To review the licensing fees and charges for the issuing and renewal of licenses, consents and permits issued by the Licensing Team with effect from April 2023.

8. **Review of the Scrap Metal Dealers Act 2013 Fees and Charges for the Period 2022 to 2025** (Pages 77 - 80)

To review the Scrap Metal Dealers Act 2013 Fees and Charges for the Period 2022 to 2025.

**THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors D Brown, J Barber, S Davies, D Edwardes (Chair), H Faddes, R Fletcher, S Handley, A Harewood, I Macfarlane, S Pochin, L Roberts, L Smetham, J Smith, J Weatherill and J Wray (Vice-Chair)

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 1st March, 2021 at Virtual Meeting via Microsoft Teams

**PRESENT**

Councillor M Goldsmith (Chairman)  
Councillor D Edwardes (Vice-Chairman)

Councillors M Benson, S Davies, H Faddes, K Flavell, L Gilbert, A Harewood,  
S Handley, L Roberts, L Smetham and J Weatherill

**OFFICERS IN ATTENDANCE**

Helen Davies- Democratic Services Officer  
Nashwan Fazlani- Legal Officer  
Sarah Sutton- Licensing Officer

**21 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors James Barber, Iain McFarlane and John Wray.

**22 DECLARATIONS OF INTEREST**

In the interests of openness and transparency, Councillor Lloyd Roberts declared that he was a Premises License Holder for a Public House in Macclesfield.

**23 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**24 MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the meeting held on 02 March 2020 be approved as a correct record and signed by the Chairman.

**25 MINUTES OF LICENSING SUB-COMMITTEES**

Councillor David Edwardes noted that there were some omissions in four sets of Licensing Act Sub-Committee minutes to do with accuracy:

2 October 2020: Councillor David Edwardes was not present at this meeting, it was Councillors Sally Handley, Mike Benson and Mark Goldsmith

30 October 2020 and 24 November 2020, in both sets of these minutes, Councillor Mark Goldsmith was omitted from the attendance list on the first page.

RESOLVED:

That subject to the accuracy changes highlighted, that the minutes of the following meetings be received:

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

## **26 ANNUAL REVIEW OF THE MOBILE HOMES ACT 2013- FEES AND CHARGES POLICY 2021-2022**

The Committee considered a report regarding the proposed Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2021-22.

In accordance with the Mobile Homes Act 2013, the Council was required to review the fees and charges policy for the Licensing functions associated with residential caravan sites. As part of the annual review the Council must ensure the costs were being covered for administering the licensing regime for these sites.

The fee the site owner were required to pay was dependant on the number of pitches that the site had planning permission for within a banding structure on a cost-recovery basis.

Licensing Officer, Sarah Sutton advised that the fee was set using a time-recording calculation to reflect Officer time and experience. This gives the opportunity for costs to increase or decrease. For 2021-2022 there had been between a £4 increase for smaller sites through to a £32 increase for the largest sites this reflected a greater inspection and administration time required for larger sites.

Fees that related to Site license transfer fee and the amendment of conditions had not changed from the previous year as the costs were calculated and found to be correctly reflected with no change necessary.

The Committee reviewed the Application and Annual Fee for 2021-2022 and noted that the difference in cost banding between:

10-20 pitches was £43;

20-30 pitches was £49;  
30-40 pitches was £77;  
40-50 pitches was £45; and  
from 50 pitches upwards was £79

There was some discussion about the seemingly uneven rise in costs between 30-40 pitches, but the Licensing Officer Sarah Sutton advised the calculation took into account the officer grades and the amount of time that each task took. From 40 and above pitches, more time was required from officers of a higher grade which would impact on the final fee.

The Committee asked how many sites there were in Cheshire East. Sarah advised there were approximately 70 of sites across the borough, and there were a mix, with some sites as recreational only. Approximately 30 sites had to pay this fee as there is a proportion of residential or fully residential.

RESOLVED:

That the Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2021-22, as set out in Appendix 1 to the report, be approved.

The meeting commenced at 2.00 pm and concluded at 2.23 pm

Councillor M Goldsmith (Chairman)

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Tuesday, 14th December, 2021 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillors D Edwardes, J Wray and I Macfarlane

**OFFICERS IN ATTENDANCE**

Helen Davies- Democratic Services  
Kim Evans- Licensing  
Phil Jennings- Legal

**ALSO PRESENT**

Joshua Boyd- Project Manager for the Applicant (In attendance via Microsoft Teams).

**28 APPOINTMENT OF CHAIRMAN**

RESOLVED: That Councillor David Edwardes be appointed as Chairman.

**29 DECLARATIONS OF INTEREST**

The Chairman noted that he had received email correspondence from local resident objectors and although he had read the information, it did not predetermine his view and he was approaching the meeting with an open mind.

There were no other declarations of interest.

**30 APPLICATION FOR A PREMISES LICENCE AT THE FIELDS ON MOSELEY HALL FARM, CHELFORD ROAD, KNUTSFORD, WA16 8RB**

The Sub-Committee considered an application for a Premises License at the Fields on Moseley Hall Farm, Chelford Road, Knutsford, WA16 8RB together with objections and support.

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

Project Manager for the Applicant

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

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy;
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) 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 opening hours of the Premises:**

Once a year Thursday to Monday 11:00 – 23.00

**All Authorised Regulated Entertainment:**

Both indoors and outdoors:

Once a year Thursday to Monday 11.00 - 23.00

**Supply of Alcohol:**

Both indoors and outdoors

Once a year Friday to Monday 12:00 – 23:00

The meeting commenced at 2.00 pm and concluded at 4.10 pm

Councillor David Edwardes (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Monday, 22nd November, 2021 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Edwardes, J Wray and S Davies

### **OFFICERS IN ATTENDANCE**

Helen Davies- Democratic Services  
Kim Evans- Licensing  
Phil Jennings- Legal  
Jen Rowney- Licensing

### **ALSO PRESENT**

Felicity Tulloch- Solicitor for the Applicant  
Adam Taylor- Applicant

### **25 APPOINTMENT OF CHAIRMAN**

RESOLVED: That Councillor David Edwardes be appointed as Chairman.

### **26 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **27 APPLICATION FOR A PREMISES LICENCE AT INTO THE WILD, FISH HOUSE WOOD, ASHLEY MILL LANE, ASHLEY, WA14 3PT**

The Sub-Committee considered an application for a Premises License by Into the Wild Limited respect of Into the Wild, Fish House Wood, Ashley Mill Lane, Ashley, WA14 3PT together with objections and support.

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

the Solicitor for the Applicant; and  
the Applicant

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

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy;

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) 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 opening hours of the Premises:**

Monday to Sunday 08:00 – 22.30

**All Authorised Regulated Entertainment:**

Both indoors and outdoors:

Monday to Sunday 12:00 – 22:00

**Supply of Alcohol:**

Both indoors and outdoors

Monday to Sunday 12:00 – 22:00.

The meeting commenced at 10.00 am and concluded at 10.50 am

Councillor David Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Tuesday, 9th November, 2021 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors S Davies, D Edwardes and S Pochin

### **OFFICERS IN ATTENDANCE**

Helen Davies- Democratic Services  
Kim Evans- Licensing Officer  
Phil Jennings- Legal Officer  
Jen Rowney- Licensing Officer  
Mark Vyse- Environmental Health Officer (Via Microsoft Teams)

### **ALSO PRESENT**

Charles Rowndell- Applicant  
Felicity Tulloch- Solicitor for the Applicant  
Ian and Christine McLellan- Local Resident Objectors

### **22 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **23 DECLARATIONS OF INTEREST**

In the interests of openness and transparency, Councillor David Edwardes declared that he had received email correspondence in relation to the application, but he had not opened the emails and this did not predetermine him in any way.

In the interests of openness and transparency, Councillor Sarah Pochin declared that she was the ward councillor for this application, but she had no association to the premises and was not predetermined in any way.

### **24 APPLICATION FOR A PREMISES LICENCE AT DORFOLD PARK SHOWGROUND, DORFOLD HALL, CHESTER ROAD, ACTON, NANTWICH, CW5 8LD**

The Sub-Committee considered a report to vary a Premises Licence under the section 34 of the Licensing Act 2003 in respect of Dorfold Park Showground, Dorfold Hall, Chester Road, Acton, Nantwich, CW5 8LD, together with objections and support.

The following attending the hearing and made representations with respect to the application: the Applicant, a Solicitor for the Applicant; and two Local Resident 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 full variation of the Premises Licence be GRANTED as outlined in the application with some modification:

The opening hours of the Premises:

Monday to Sunday 10:00 – 02:00

All Authorised Regulated Entertainment:

Both indoors and outdoors:

Monday to Sunday 10:00 – 00:00

For fifteen events annually of no more than 500 people the hours are extended to 10.00 – 01.00

Late Night Refreshment:

Both indoors and outdoors:

Monday to Sunday 23:00 – 00:00

For fifteen events annually of no more than 500 people the hours are extended to 10.00 – 01.00

Sale of Alcohol:

Both indoors and outdoors

Monday to Sunday 10:00 – 00:00

For fifteen events annually of no more than 500 people the hours are extended to 10.00 – 01.00

The meeting commenced at 2.00 pm and concluded at 3.26 pm

Councillor David Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Monday, 20th September, 2021 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Edwardes, L Smetham and J Wray

### **OFFICERS IN ATTENDANCE**

Nashwan Fazlani- Legal Officer  
Kim Evans- Licensing Officer  
Helen Davies- Democratic Services  
19 **APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **20 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **21 APPLICATION FOR A FULL VARIATION OF THE PREMISES LICENCE AT NAKATCHA, 20-22 WELSH ROW, NANTWICH, CW5 5ED**

The Sub-Committee considered a report to vary a Premises Licence under the section 34 of the Licensing Act 2003 in respect of Nakatcha, 20-22 Welsh Row, Nantwich, CW5 5ED together with objections and support.

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

the Solicitor for the Applicant;  
the Operator and Designated Premises Supervisor; and  
the Operations Manager for the Premises Licence Holder.

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 full variation of the Premises Licence be GRANTED as outlined in the application with some modification:

**Condition 6**

No food or drink shall be taken into or consumed in the smoking area (highlighted in yellow on the enclosed external area plan) after 0230hrs. No food or drink shall be taken into or consumed in the garden area (highlighted in blue on the enclosed external area plan) after 23:00hrs. After 23:00 the smoking area will be suitably managed by way of a smoking area management plan to ensure that customers using the area do so responsibly and do not linger having finished their cigarette. The management plan will be drawn up and disseminated to staff and door staff as required to ensure compliance.

**Condition 8**

The following number of door supervisors shall be provided from 21:00hrs until the closing time of the premises as follows:

Fridays, Saturdays and Sundays preceding a bank holiday:

- a minimum of 2 supervisors from 21:00;
- a minimum of 4 supervisors from 22:00; and
- a minimum of 6 supervisors from 23:00, until closing time.

When the premises are open Sunday - Thursday or when there is any specific local event, the Premises Licence Holder or Designated Premises Supervisor shall employ door supervisors on a ratio of one door supervisor for every 50 guests present at the premises

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; and
- 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.

**Condition 9**

There shall be no entry or re-entry after 01:30hrs however, existing customers after this time can use the smoking area.

For the avoidance of doubt the term premises includes the beer garden/outdoor drinking area and the smoking area.

All hours, activities and remaining conditions currently permitted by the premises are to remain unchanged by this application.

The meeting commenced at 2.00 pm and concluded at 2.32 pm

Councillor David Edwardes (Chair)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 10th September, 2021 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors S Davies, D Edwardes and S Handley

### **OFFICERS IN ATTENDANCE**

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

### **ALSO PRESENT**

Councillor Liz Braithwaite- Local Ward Councillor Objector  
Anita Suk- Applicant

### **16 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **17 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **18 APPLICATION FOR A PREMISES LICENCE AT TURQUOISE GARDEN, 1-3 PARK LANE, MACCLESFIELD, CHESHIRE, SK11 6TJ**

The Sub-Committee considered a report regarding an application by Turquoise Garden Limited, for a Premises Licence under the Licensing Act 2003 in respect of Turquoise Garden, 1-3, Park Lane, Macclesfield, Cheshire, SK11 6TJ together with objections and support.

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

- the Applicant; and
- The Local Ward Councillor 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 some modification:

**Supply of Alcohol (for consumption on the premises)**

**Monday to Sunday – 11:30 to 23:00**

In granting the licence the Sub-Committee used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the conditions agreed between the Applicant and Cheshire Constabulary.

The Sub-Committee also used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the following additional condition;

*‘Supply of alcohol on the outdoor rooftop terrace must cease by 21:00’*

The meeting commenced at 10.00 am and concluded at 10.34 am

Councillor D Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 30th July, 2021 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors S Davies, D Edwardes and R Fletcher

### **OFFICERS IN ATTENDANCE**

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

### **ALSO PRESENT**

Local Resident Objectors:

Nigel Nadan (representing himself and Alison Pettit)  
Sarah Turner (representing herself and Robert Turner)  
Jeremy Stain  
Beverley Dooley (representing Leena Barrington)  
Duncan Broomhead  
Samantha Snelson

Applicant for the Application:

Jim Curtis (Business Partner speaking on behalf of himself and Louis Smith)

### **13 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **14 DECLARATIONS OF INTEREST**

In the interests of openness and transparency, it was noted that Councillors David Edwardes, Stan Davies and Rod Fletcher all knew Beverley Dooley as she had previously served as a Borough Councillor at Cheshire East Council.

### **15 APPLICATION FOR A PREMISES LICENCE AT HILLTOP COUNTRY HOUSE, FLASH LANE, MACCLESFIELD, CHESHIRE, SK10 4ED**

The Sub-Committee considered a report regarding an application by Hilltop Country House Events Limited, for a Premises Licence under the Licensing Act 2003 in respect of Hilltop Country House, Flash Lane, Macclesfield, Cheshire, SK10 4ED together with objections and support.

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

- the Applicant and his business partner; and
- six Local Resident 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 with some modification:

The hours applied for are as follows:

- Supply of alcohol (for consumption on the premises)  
Monday to Sunday – 12:00 to 24:00
- Provision of Live Music (Indoors & outdoors)  
Wednesday to Sunday – 12:00 to 24:00
- Provision of Recorded Music (Indoors)  
Monday to Sunday – 12:00 to 24:00
- Late Night Refreshment (Indoors & Outdoors)  
Monday to Sunday – 19:00 to 22:00

In granting the licence the Sub-Committee used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the following conditions agreed between the Applicant and Cheshire Constabulary;

### **CCTV**

A CCTV system shall be used and shall be designated and installed in accordance with 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 28 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 Licensing Authority data or footage upon request. All requests for footage are to be provided within a reasonable timescale.

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

### **Risk Assessed Door Staff**

When there is any specific local event or event being held at the Premises, the Premises Licence Holder or Designated Premises Supervisor shall conduct an assessment of the need for door supervisors, taking into account any advice offered by the Police. Where the assessment shows that door supervision is required, supervisors shall be engaged at such times and as such ratios as are assessed to be necessary.

When such door supervision is employed;

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, contact telephone number 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
- All incidents taking place in the venue

The register shall be available for inspection on demand by an Authorised Officer of the Licensing Authority, Police or Security Industry Authority

### **Protection of Children from Harm**

A 'Challenge 25' police shall be operated at the premises at all times.

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

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 to an Authorised Officer of the Licensing Authority or Police.

The Designated Premises Supervisor or other responsible person shall check and sign the Register of Refusals of Sale of Alcohol 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 delivery 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 Licensing Officers and Police.

The Designated Premises Supervisor or Premises Licence Holder shall conduct six month training reviews with all members of staff authorised to sell, serve or delivery alcohol in order to reinforce the training and 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 the Licensing Officers and Police.

A list of all persons authorised to sell alcohol shall be kept on site and made available for inspection at the request of Licensing 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 Sub-Committee also used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the conditions that were place on the previous licence, which are as follows;

### **Prevention of Crime and Disorder**

Functions and access to the same to be limited to private pre-arranged functions with no access to members of the general public.

Areas around the marquee and barn to be illuminated by security lighting controlled by the Premises Licence Holders.



### **Public Safety**

A risk assessment shall be carried out in relation to the provision of licensable activities within the marquee and barn;

The maximum number of persons allowed in the marquee and barn at any one time shall be in accordance with health, safety and fire specifications for the marquee in use;

External lighting will be provided to illuminate entrances and exits;

Full fire risk assessments shall be carried out and appropriate fire safety equipment installed.

### **Prevention of Public Nuisance**

Signs requesting that patrons leave the premises and grounds quietly having due consideration for surrounding properties shall be displayed at all exits;

No fireworks or other pyrotechnics shall be used other than with prior consent of the Licensing Authority.

Noise from music and associated sources (including DJ's and amplified voices) shall not be audible to such extent that it constitutes a nuisance at nearby residential properties'

The playing of amplified live music and amplified recorded music shall be restricted to within the 'barn' building on the site (as shown on the plan)

Vehicular departure from the site during sensitive hours - i.e. after 11.00pm shall be managed such that noise which may be caused to the residencies opposite and adjacent to the entrance to the driveway to Hilltop Country House is effectively controlled and kept to a minimum.

### **Protection of Children from Harm**

Use of the marquee and barn to be restricted to persons attending private pre-arranged functions only and unaccompanied children will not be allowed access

### **General – All Licensing Objectives**

Use of the marquee and barn to be restricted to persons attending private pre-arranged functions only;

Licensable activities shall be restricted to those areas set out on the plan on the application.

The Sub-Committee also used their power pursuant to the Licensing Act 2003 S18(4)(a) to grant the licence subject to the following additional conditions;

The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours.

Quarterly noise assessments must be undertaken by a competent person (the Premises Licence Holder, Designated Premises Supervisor or Manager) during the opening hours of the premises. A written record of the noise assessments must be kept for that purpose and should include but not be limited to the following; the time and date of the checks, the person undertaking the checks, the results, any remedial action taken to reduce the level of noise when it is likely to cause a disturbance to local residents.

The meeting commenced at 2.00 pm and concluded at 3.30 pm

Councillor David Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 24th June, 2021 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Edwardes, S Pochin and L Smetham

### **OFFICERS IN ATTENDANCE**

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

### **ALSO PRESENT**

Rebecca Ingram- Solicitor for the Applicant (representing Carole Weston and Rob Milner)  
Patrick Robinson- Solicitor for a number of Local Resident Objectors (Joe & Carolyn Bell, Diana Beech, Mark Hughes & family, Dr Jonathan Coffey, David O'Reilly, Janet Davison, Lisa Wood, Malcolm and Eileen MacAulay, Richard Wood, and Simon & Danielle Purves)  
Bruce Sciple- Local Resident Objector,  
John Cox- Local Resident Objector,  
Grazyna Moore- Local Resident Objector  
Philip Eliades- Local Resident Objector,  
Stuart Hodgkinson- Local Resident Objector.

### **LINKS TO MEETING RECORDINGS**

Start- Part way through item Application for a Premises Licence at Wilmslow Rugby Football Club, Memorial Ground, Kings Road, Wilmslow, Cheshire, SK9 5PZ Video One: <https://www.youtube-nocookie.com/embed/silas8u4a6g>

Application for a Premises Licence at Wilmslow Rugby Football Club, Memorial Ground, Kings Road, Wilmslow, Cheshire, SK9 5PZ- End of Meeting Video Two: <https://www.youtube-nocookie.com/embed/okNjAWbg38l>

### **10 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **11 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**12 APPLICATION FOR A PREMISES LICENCE AT WILMSLOW RUGBY FOOTBALL CLUB, MEMORIAL GROUND, KINGS ROAD, WILMSLOW, CHESHIRE, SK9 5PZ**

The Sub-Committee considered a report regarding an application by Wilmslow Rugby Union Football Club Limited for a Premises Licence under the Licensing Act 2003 in respect of Wilmslow Rugby Football Club, Memorial Ground, Kings Road, Wilmslow, Cheshire, SK9 5PZ together with objections and support.

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

- the Applicants;
- a Solicitor for the Applicants;
- a Solicitor for a number of Local Resident Objectors; and
- five Local Resident 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 with some modification:

**Provision of films (indoors)**

Monday and Wednesday 11:00 – 23:00

Tuesday and Thursday 11:00 – 00:00

Friday and Saturday 11:00 – 01:00

Sunday 12:00 – 22:30

On New Year's Eve extended to 01:00

**Provision of live music (indoors)**

Monday and Wednesday 11:00 – 23:00  
Tuesday and Thursday 11:00 – 00:00  
Friday and Saturday 11:00 – 01:00  
Sunday 12:00 – 22:30  
On New Year's Eve extended to 01:00

**Provision of recorded music (indoors)**

Monday and Wednesday 11:00 – 23:00  
Tuesday and Thursday 11:00 – 00:00  
Friday and Saturday 11:00 – 01:00  
Sunday 12:00 – 22:30  
On New Year's Eve extended to 01:00

**Provision of performance of dance (indoors)**

Monday and Wednesday 11:00 – 23:00  
Tuesday and Thursday 11:00 – 00:00  
Friday and Saturday 11:00 – 01:00  
Sunday 12:00 – 22:30  
On New Year's Eve extended to 01:00

**Late night refreshment (indoors)**

Tuesday and Thursday 23:00 – 00:00  
Friday and Saturday 23:00 – 01:00  
On New Year's Eve extended to 01:00

**Supply of Alcohol for consumption ON the premises**

Monday and Wednesday 11:00 – 23:00  
Tuesday and Thursday 11:00 – 00:00  
Friday and Saturday 11:00 – 01:00  
Sunday 12:00 – 22:30

The Sub-Committee added the following conditions:

- Licensable activities cannot be provided in the external licensed area after 22:00;

- The external licensed area is to be fully vacated by customers and attendees by 22:30;
- The area hatched on the external licensing plan cannot be used for licensable activities and must be removed from the proposed licensable area; and
- Sale of alcohol shall be ancillary to the main activity of the premises as a Rugby Club.

The meeting commenced at 2.00 pm and concluded at 6.30 pm

Councillor David Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 17th June, 2021 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillors D Edwardes, J Barber and A Harewood

### **OFFICERS IN ATTENDANCE**

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

### **ALSO PRESENT**

James King and Lucie Wright- Applicants  
Councillor Liz Braithwaite- Ward Member for Macclesfield Central  
(representing Nicoletta Cavarani)  
Heidi Jane de Botte- Local Resident Objector  
Lesley Haliday- Cheshire Police (present to answer questions, not officially as  
the Responsible Authority.

### **7 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **8 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **9 APPLICATION FOR A PREMISES LICENCE AT PROPER SOUND, 8 CHESTERGATE, MACCLESFIELD, CHESHIRE, SK11 6BA**

The Sub-Committee considered a report regarding an application by James King for a Premises Licence under the Licensing Act 2003 in respect of Proper Sound, 8 Chestergate, Macclesfield, Cheshire, SK11 6BA together with objections and support.

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

- the Applicant;
- the Ward Councillor; and
- one 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:

- (• Provision of live music (indoors and outdoors) Monday to Sunday - 10:00 to 19:30
- Provision of recorded music (indoors) Monday to Sunday - 10:00 to 19:30
- Provision of late night refreshment (indoors and outdoors) Monday to Sunday – 10:00 to 19:30
- Supply of alcohol (for consumption on and off the premises) Monday to Sunday - 10:00 to 19:30
- The provision of one-off events tied into all the seasonal events in the town and open till 21:00hrs for all licensable activities
- The provision of six (6) one off events in addition to the seasonal town events and open till 21:00hrs.)

Plus the following additional conditions;

1) The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours; and

2) The Premises Licence Holder must submit an up-to-date and correct floor plan of the premises to the Licensing Authority prior to any licensable activity taking place.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor David Edwardes (none)





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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 21st May, 2021 in the Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillors D Edwardes, A Harewood and I Macfarlane

### **OFFICERS IN ATTENDANCE**

Nashwan Fazlani- Legal Officer  
Stephen Medley-Daley- Legal Officer  
Kim Evans- Licensing Officer  
Helen Davies- Democratic Services  
Brenda Lomas- Environmental Health Officer

### **ALSO PRESENT**

Neil Stevenson- Applicant

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

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

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

There were no declarations of interest.

#### **6 APPLICATION FOR A PREMISES LICENCE AT 102 MILL STREET, MACCLESFIELD, CHESHIRE, SK11 6NR**

The Sub-Committee considered an application for a Premise License by Mr. Neil Anthony Stephenson in respect of the premises 102 Mill Street, Macclesfield, Cheshire, SK11 6NR together with objections and support.

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

The Applicant; and  
An Environmental Health Officer.

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 License be GRANTED as outlined in the Application and agreed by both the Applicant and Cheshire Constabulary:

- Provision of live music indoors only
- Provision of recorded music indoors only
- Provision of late night refreshment indoors only
- The Sale and Supply of alcohol for consumption both On and Off the premises.

The hours applied for are as followed:

- Live music (indoors)  
Friday and Saturday 19:00 to 23:00

In addition to this, the Sub-Committee added the following conditions:

- 1) The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours.
- 2) The Premises Licence Holder must obtain a comprehensive Acoustic Assessment of the structure of the premises prior to any licensable activities taking place. A copy of the Acoustic Assessment must be made available to a Licensing Officer or Police Officer upon request.
- 3) Quarterly noise assessments must be undertaken by a competent person (the Premises Licence Holder, Designated Premises Supervisor or Manager) during the opening hours of the premises. A written record of the noise assessments must be kept for that purpose and should include but not be limited to the following; the time and date of the checks, the person undertaking the checks, the

results, any remedial action taken to reduce the level of noise when it is likely to cause a disturbance to local residents.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

Councillor David Edwardes (Chair)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 14th May, 2021 at Council Chamber - Town Hall, Macclesfield,  
SK10 1EA

### **PRESENT**

Councillors D Edwardes, L Smetham and J Wray

### **OFFICERS IN ATTENDANCE**

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

### **ALSO PRESENT**

Geoff Dixon- Agent for the Applicant  
Florian Mantzari- Applicant  
James Moran- Local Resident Objector  
Mike Brennan- Local Resident Objector

### **1 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 APPLICATION FOR A PREMISES LICENCE AT FIORE MIO, UNIT 2 TO 5 MARLBOROUGH COURT, PICKFORD STREET, MACCLESFIELD, CHESHIRE, SK11 6JD**

The Sub-Committee considered an application for a Premise License by Mr. Florian Mantzari in respect of the premises: Fiore Mio, Unit 2 to 5 Marlborough Court, Pickford Street, Macclesfield, Cheshire, SK11 6JD together with objections and support.

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

Cheshire Police;  
The Applicant and Agent for the Applicant; and  
2 Local Resident 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 License be GRANTED as outlined in the application:

The new agreed hours (with Cheshire Police) are as followed:

- Live music  
Friday and Saturday 23:00 to 00:00  
Extended to 02:00 on Christmas Eve and 04:00 on New Year's Eve.
- Recorded music  
Monday to Sunday 23:00 to 00:00  
Extended to 02:00 on Christmas Eve and 04:00 on New Year's Eve.
- Supply of alcohol  
Sunday to Thursday 12:00 to 23:30  
Friday and Saturday 12:00 to 00:00  
Extended to 02:00 on Christmas Eve and 04:00 on New Year's Eve.

The meeting commenced at 10.00 am and concluded at 10.29 am

Councillor David Edwardes (Chair)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Tuesday, 4th May, 2021 as a Virtual Meeting via Microsoft Teams

### **PRESENT**

Councillors S Davies, M Goldsmith and L Smetham

### **OFFICERS IN ATTENDANCE**

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

Observing:  
Stephen Medley- Daley- Legal Officer

### **ALSO PRESENT**

Lee Wainwright- Applicant  
Chris Butcher- Local Resident, Objector

### **22 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

### **23 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **24 APPLICATION FOR A PREMISES LICENCE AT THE CAR PARK & BEER GARDENS AT THE VALE INN, THE VALE, 29-31 ADLINGTON ROAD, BOLLINGTON, SK10 5JT**

The Sub-Committee considered a report regarding an application by Lee Wainwright for a premises licence under the Licensing Act 2003 in respect of Premises Licence at the Car Park & Beer Gardens at The Vale Inn, The Vale, 29-31 Adlington Road, Bollington, SK10 5JT 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 conditions:

- ‘The Premises Licence Holder must keep an incident logbook of complaints made pertaining to noise nuisance in which the DPS or other authorised officer must record the following information in respect of such complaints; the name and address of the complainant, a summary of the incident, the date and time it occurred and the steps taken to resolve it. The incident logbook or relevant entries from it must be made available for inspection to a Licensing Officer or Police Officer upon request within 72 hours’; and
- ‘The inside of washrooms on the Premises **MUST NOT** be visible from nearby residential property.’

The Licensing Act Sub-Committee granted the application but subject to the following modification of its operating schedule:

## Sale and Supply of Alcohol

Monday to Sunday 12.00 to 21:30

The meeting commenced at 10.00 am and concluded at 11.11 am

Councillor Mark Goldsmith (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 30th April, 2021 as a Virtual Meeting via Microsoft Teams

### **PRESENT**

Councillors K Flavell, M Goldsmith and A Harewood

### **OFFICERS IN ATTENDANCE**

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

Observing:

Stephen Medley- Daley- Legal Officer  
Josie Lloyd- Democratic Services

### **ALSO PRESENT**

Walter MacGowan- Applicant  
Pauline Hubbard- Local Resident, Objector  
Rachel White- Local Resident, Objector

### **19 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

### **20 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **21 APPLICATION FOR A FULL VARIATION OF THE PREMISES LICENCE AT THE BAR, 58 SANDBACH ROAD SOUTH, ALSAGER, ST7 2LP.**

The Sub-Committee considered a report regarding an application by Walter MacGowan for a full variation of the Premises Licence under the Licensing Act 2003 in respect of The Bar, 58 Sandbach Road South, Alsager, ST7 2LP.together with objections and support.

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

- the Applicant; and
- 2 Local Resident 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 full variation of the Premises Licence be GRANTED as outlined in the application.

The meeting commenced at 2.00 pm and concluded at 2.47 pm

Councillor Mark Goldsmith (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 29th April, 2021 as a Virtual Meeting via Microsoft Teams

### **PRESENT**

Councillors M Goldsmith, I Macfarlane and L Smetham

### **OFFICERS IN ATTENDANCE**

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

Observing:  
Stephen Medley- Daley- Legal Officer

### **ALSO PRESENT**

Andy Dean- Applicant  
Rachel White- Local Resident Objector  
Pauline Hubbard- Local Resident Objector  
Steve Butterfield- Local Resident Objector

### **16 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor Mark Goldsmith be appointed as Chairman.

### **17 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **18 APPLICATION FOR A FULL VARIATION OF THE PREMISES LICENCE AT: 55 DEGREES, 2-4 CREWE ROAD, ALSAGER, ST7 2ES**

The Sub-Committee considered a report regarding an application by Jackson Dean for a full variation of the Premises Licence under the Licensing Act 2003 in respect of 55 Degrees, 2-4 Crewe Road, Alsager, ST7 2ES together with objections and support.

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

- the Applicant; and
- x3 Local Resident 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 full variation of the Premises Licence be GRANTED as outlined in the application.

(The variation sought is was to extend the licensable hours on a Sunday by one hour, The current closing time of the premises on a Sunday is 22:30; the applicant sought to extend that closing time to 23:00 in line with the licensable hours sought within the application.)

The meeting commenced at 10.00 am and concluded at 11.04 am

Councillor Mark Goldsmith (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 23rd April, 2021 as a Virtual Meeting via Microsoft Teams

### **PRESENT**

Councillors D Edwardes, L Gilbert and J Wray

### **OFFICERS IN ATTENDANCE**

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

Observing:

Stephen Medley- Daley- Legal Officer  
Phil Jennings- Legal Officer  
Josie Lloyd- Democratic Services

### **ALSO PRESENT**

Chris Latham- Applicant

### **13 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed as Chairman.

### **14 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **15 APPLICATION FOR A FULL VARIATION OF THE PREMISES LICENCE AT THE KINDERTON, KINDERTON STREET, MIDDLEWICH, CHESHIRE. CW10 0JE**

The Sub-Committee considered a report regarding an application by Chris Latham for a full variation of the Premises Licence under the Licensing Act 2003 in respect of The Kinderton, Kinderton Street, Middlewich, Cheshire, CW10 0JE together with objections and support.

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

- the Applicant.

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

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;

- Cheshire East Borough Council's Statement of Licensing Policy;
- the four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) 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 full variation of the Premises Licence be GRANTED as outlined in the application.

The meeting commenced at 2.00 pm and concluded at 2.25 pm

Councillor David Edwardes (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 9th April, 2021 as a Virtual Meeting via Microsoft Teams

### **PRESENT**

Councillors M Benson, H Faddes and M Goldsmith

### **OFFICERS IN ATTENDANCE**

Nashwan Fazlani- Legal Officer  
Helen Davies- Democratic Services  
Kim Evans- Licensing Officer  
Mark Vyse- Environmental Health Officer

Observing:

Stephen Medley- Daley- Legal Officer  
Josie Lloyd- Democratic Services

### **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 TEMPORARY EVENT NOTICE AT THE WHITE HORSE, 22 PILLORY STREET, NANTWICH, CHESHIRE, CW5 5BD**

The Sub-Committee considered a report regarding five Temporary Event Notices by Miss Teracina Slaughter-Hudson in respect of the premises: The White Horse, 22 Pillory Street, Nantwich, Cheshire, CW5 5BD together with objections and support.

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

- An Environmental Health Officer.

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 all of the five applications for Temporary Event Notices be REFUSED and to issue a counter notice to the Premises as it would undermine the Licensing Objective of prevention of public nuisance and therefore should not place.

The meeting commenced at 2.00 pm and concluded at 2.16 pm

Councillor Mark Goldsmith: Chairman

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Thursday, 21st October, 2021 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillors D Edwardes, J Wray, L Roberts, D Brown and S Pochin

**OFFICERS IN ATTENDANCE**

Tracey Billington- Licensing Officer  
Amanda Andrews- Licensing Officer  
Phil Jennings- Legal Officer  
Helen Davies- Democratic Services  
Via Microsoft Teams:  
Kim Evans- Licensing Officer  
Nashwan Fazlani- Legal Officer

Observing: Andrea Fitzgerald- Legal Officer

**52 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor David Edwardes be appointed Chairman for the meeting.

**53 APOLOGIES FOR ABSENCE**

There were no apologies for absence recieved.

**54 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**55 EXCLUSION OF THE PUBLIC AND PRESS**

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

**56 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE /PRIVATE HIRE DRIVER LICENCE**

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

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a solicitor representing the licence holder attended the hearing and made representations in respect of the case.

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

RESOLVED- The application for a Joint Hackney Carriage/Private Hire Driver's Licence be REFUSED on the grounds that the applicant is not a fit and proper person to hold such a licence.

The meeting commenced at 10.00 am and concluded at 1.18 pm

Councillor David Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Tuesday, 27th April, 2021 as a Virtual Meeting via Microsoft Teams

### **PRESENT**

Councillors M Goldsmith, L Smetham, D Edwardes, J Wray and I Macfarlane

### **OFFICERS IN ATTENDANCE**

Tracey Billington- Licensing Officer  
Kim Evans- Licensing Officer  
Nashwan Fazlani- Legal Officer  
Phil Jennings- Legal Officer  
Helen Davies- Democratic Services

Observing:

Stephen Medley-Daley- Legal Officer  
Josie Lloyd- Democratic Services

### **47 APPOINTMENT OF CHAIRMAN**

RESOLVED- That Councillor Mark Goldsmith be appointed Chairman for the meeting.

### **48 APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

### **49 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **50 EXCLUSION OF THE PUBLIC AND PRESS**

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

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

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

Note, the Chairman lost his connection to Microsoft Teams for approximately two hours between 11.30-13.30 at which point the meeting was adjourned until he could re-join. Once he had re-established his connection, the meeting continued.

RESOLVED- The application for a Joint Hackney Carriage/Private Hire Driver's Licence be REFUSED on the grounds that the applicant is not a fit and proper person to hold such a licence.

The meeting commenced at 10.00 am and concluded at 3.40 pm

Councillor Mark Goldsmith: Chairman (Chair)



*Working for a brighter future together*

## **Licensing Committee**

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<b>Date of Meeting:</b>	10 <sup>th</sup> January 2022
<b>Report Title:</b>	Annual review of the Mobile Homes Act 2013 - Fees and Charges Policy 2022-2023
<b>Report of:</b>	Jane Traverse – Executive Director Place
<b>Report Reference No:</b>	To be provided by Democratic Services
<b>Ward(s) Affected:</b>	All Wards

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### **1. Purpose of Report**

- 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 2022-2023.

### **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 2022-2023 as set out in Appendix 1.

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

- 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 2022-2023. The fees have been calculated for caravan sites as both an initial application fee and an annual fee. 2021-2022 fees are provided for reference purposes.

Number of Pitches	2021-2022 Fee	2022-2023 Fee
< =10	£202.00	£211.00
< =20	£245.00	£262.00
< =30	£294.00	£328.00
< =40	£371.00	£394.00
< =50	£416.00	£440.00
> 50	£495.00	£499.00

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 (2021-2022 - £116.00);
- Licence amendment (simple) - £116 (2021-2022 - £116.00);
- Application by the licensee for amendment of conditions - £348



- (2021-2022 - £348.00); and
- The deposit of site rules - £38 (2021-2022 £38.00)

## **6. Consultation and Engagement**

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

## **7. Implications**

### **7.1. Legal Implications**

7.1.1. 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.

7.1.2. A review of fees and charges has been undertaken and this has been used to produce a proposed charging policy for 2022-2023 (Appendix 1).

### **7.2. Finance Implications**

7.2.1. 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.

7.2.2. 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.

### **7.3. Policy Implications**

7.3.1. The purpose of this report is to approve the Mobile Homes Act 2013 – Fees and Charges Policy 2022-2023.

#### **7.4. Equality Implications**

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

#### **7.5. Human Resources Implications**

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

#### **7.6. Risk Management Implications**

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

7.6.2. 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.

7.6.3. 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.

#### **7.7. Rural Communities Implications**

7.7.1. There are no direct implications for rural communities.

#### **7.8. Implications for Children & Young People / Cared for Children**

7.8.1. There are no direct implications for children and young people / cared for children.

#### **7.9. Public Health Implications**

7.9.1. There are no direct implications for public health.

#### **7.10. Climate Change Implications**

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

<b>Access to Information</b>	
Contact Officer:	Name: Sarah Sutton Job Title: Commercial Services Team Leader Email: <a href="mailto:sarah.sutton@cheshireeast.gov.uk">sarah.sutton@cheshireeast.gov.uk</a>

Appendices:	Mobile Homes Act 2013 Fees and Charges Policy 2022-2023
Background Papers:	<p>The Mobile Homes Act 2013 is available here  <a href="http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted">http://www.legislation.gov.uk/ukpga/2013/14/contents/enacted</a></p> <p>The Mobile Homes (Site Rules) (England) Regulation 2014 is available here  <a href="http://www.legislation.gov.uk/cy/uksi/2014/5/made">http://www.legislation.gov.uk/cy/uksi/2014/5/made</a></p>

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# Regulatory Services and Health

## Mobile Homes Act 2013 Fees and Charges Policy

2022-2023

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  - 5.3 New Licence Fee
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  - 5.7 Fees and Charges Payment Timeframes
- 6 Fees for Depositing Site Rules
- 7 Exemptions
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## **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 26<sup>th</sup> 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 Fees**

The annual fees are;

<b>Number of pitches</b>	<b>Cost</b>
<=10	£211
<=20	£262
<=30	£328
<=40	£394
<=50	£440
>50	£499

### **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 the same as the annual fees in 5.2.

#### **5.4 Transfer Fee**

A fee of £116 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.  
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 1<sup>st</sup> 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 (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 1<sup>st</sup> 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 have recently been introduced (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 31<sup>st</sup> March 2023 in line with the Council's fee setting process.



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## **Licensing Committee**

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<b>Date of Meeting:</b>	10 JANUARY 2022
<b>Report Title:</b>	Review of Licensing Fees and Charges
<b>Report of:</b>	Jayne Traverse, Executive Director - Place
<b>Report Reference No:</b>	To be provided by Democratic Services
<b>Ward(s) Affected:</b>	All Wards

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### **1. Executive Summary**

- 1.1. To seek Members' approval to increase the licensing fees and charges for the issuing and renewal of licenses, consents and permits issued by the Licensing Team with effect from April 2023.

### **2. Recommendations**

- 1.1. That the Licensing Committee resolves to:
- 1.1.1 Confirm the fees payable as set out in appendix 1.
  - 1.1.2 Authorise the Licensing Team Leader to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions.
  - 1.1.3 That delegated authority be given to the Director of Environment and Neighbourhood Services to consider any objections received and determine the final fees payable in consultation with the Chairman of the Licensing Committee.

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

- 3.1. A review of the fees payable in respect of various types of licence and permits administered, enforced by the Licensing Team, has been undertaken. For the fees to be lawful and levied correctly a review of all licensing fees needs to be undertaken and the fees confirmed by Committee.

- 3.2.** Regulation 2 (6) of the Local Authorities (Functions and Responsibilities) Regulations 2000 confirms that where the issuing of any licence, permit, or consent is a Council function, the fee must also be set by the Council. The Council has made provision in its Constitution for the setting of fees to be delegated to the Licensing Committee.

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

- 4.1.** Consideration has been given to not increasing the fees payable. However, the costs associated with providing the service have increased and it is necessary for the service to be, so far as possible, cost neutral.
- 4.2.** In proposing these increases we have considered whether or not it is appropriate to increase driver licence fees. We have noticed a trend, which is not limited to Cheshire East, of a lack of new applicants for driver licenses. This is compounded by the number of exiting drivers choosing not to renew their licences because of the COVID pandemic or moving into different occupations. Given these issues, it has been decided not to propose an increase in driver fees, except those costs that are generated externally, such as costs for Disclosure and Barring checks.
- 4.3.** The fees and charges were reviewed for the financial year 2021-2022 and it was determined, in consultation with the then Chairman of the Licensing Committee, that the fees would not be increased. This decision was taken for a number of reasons;
1. The impact of the COVID pandemic on the trade was significant with various lockdowns affecting their most lucrative income streams.
  2. The Licensing Team operated for most of the pandemic with below establishment levels of staffing. This meant that any in year cost increases could be off set against the reduction in staff costs. The Team has been back to full complement since 1<sup>st</sup> November 2021.

#### **5. Background**

- 5.1.** The Licensing Authority may charge a fee for the issuing or renewal of various licences for which they have a statutory duty to issue. Certain fees are set either by Statute or Regulations, but some fees can be set by Local Authorities to cover the cost of administration, compliance and some elements of enforcement; Locally Set Fees. The Council is not able to make a general profit from licensing fees.
- 5.2.** Where possible, the Licensing Team aims to recover operating costs and where the Council has the discretion to set the fees, they are subject to review which can take into account operating costs, inflation, purchase costs etc.
- 5.3.** A number of fees are fixed by Statute which are not referenced in this report. These relate to Licensing Act 2003 fees and Gambling Act 2005 fees. There

are also some licences issued for which the Council cannot set a fee such as Street Collection Permits and House to House Collection Licenses.

- 5.4.** Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Licensing Authority to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles, and operators. The fees must be set for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 5.5.** In respect of vehicle and operators' licences the Act states that the Council may charge such fees as may be sufficient in the aggregate to cover in whole or in part:
- The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
  - The reasonable cost of providing Hackney Carriage stands.
  - Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles.
- 5.6.** The Act, which dates from 1976, also states that the fee for vehicle and operator licences shall not exceed £25 or such other sum as the Council may from time to time determine. In the light of current costs £25 is not seen as a realistic fee to impose. The fee has not been set at this rate for a significant number of years.
- 5.7.** In respect of drivers' licences the Act states that the Council may charge, 'such a fee as it considers reasonable with a view to recovering the costs of issue and administration associated with the grant of Hackney Carriage and Private Hire drivers' licences'.
- 5.8.** Any other fees are restricted by legislation (e.g. Licensing Act 2003) and the Council has no power to vary such fees. There is no power to levy a fee for any Charitable Collection authorisations.
- 5.9.** The Licensing Act 2003 (along with all licences except those relating to taxis and gambling) are also subject to the EU Service Directive (2006). This Directive, which has been incorporated in UK law by the Provision of Services Regulations 2009 and reaffirmed by the European Union (Withdrawal) 2018 Act confirms:
- Fee charges must be proportionate to the cost of the process
  - Fees cannot be used as either a deterrent or to raise funds
  - Enforcement should not be included in the fees

**5.10.** Additionally, there is some case law that has further developed the requirements in relation to the setting of all fees:

- The Licensing Authority cannot make a profit and must carry forward surplus - R v Manchester CC ex parte King (1991) and R (app Simply Pleasure and Ors) v Westminster CC (2012)
- Deficits can be recouped through increasing fees (this can be done at any time including mid year) - R v Tower Hamlets LBC ex parte Tower Hamlets Combined Traders Association (1994) and R (app Simply Pleasure and Ors) v Westminster CC (2012)
- Only administration and issue costs can be taken into consideration - R (app Simply Pleasure and Ors) v Westminster CC (2012)
- Compliance with a licence or conditions etc. is compliance rather than enforcement - R v Associated Octel co Ltd (costs) (1996)

**5.11.** The legislation and associated case law have been considered by Officers when calculating the proposed fee.

**5.12.** It is envisaged, subject to consultation and the consideration of any objections, that the increase in fees would take effect on the 1<sup>st</sup> April 2023.

## **6. Consultation and Engagement**

**6.1.** In respect of certain fees, there is a requirement to publicise any increases in a local newspaper. This allows a period for objections to be made. How this consultation takes places is set down within legislation.

## **7. Implications**

### **7.1. Legal**

**7.1.1** The statutory power to levy a fee for licensable activities such as taxi driving does not give a local authority a free hand in relation to the scale of the fee that is going to be levied. Any increase upon the livelihood of those affected by the it has to be taken into account as does the scale of the increase.

**7.1.2** Members should not approve an increase in licensing fees:

- For drivers of hackney carriages and private hire vehicles that are not reasonable to cover the cost of issue and administration.
- For hackney carriage and private hire vehicles and Operators that are more than sufficient in aggregate to cover the costs in Paragraph (what is currently 7.1.3).
- For street traders and sexual entertainment venues that are not proportionate to the cost of the process and which include enforcement in the fee.



- 7.1.3 Licensing fees which are neither reasonable nor proportionate are susceptible to challenge on public law grounds by way of judicial review.

## **7.2. Finance**

- 7.2.1. Where possible, the Licensing Team aims to recover all reasonable costs. In a number of areas, statute dictates whether a fee may or may not be charged and the level of any charge.
- 7.2.2. The Licensing Team and their Lead Finance Partner carefully monitor licensing fee income through the financial year. If at any time, it was considered there would be a short fall between income and expenditure the fees could be reconsidered and increased, subject to notice and consultation, implemented at any time (including mid year).

## **7.3. Policy**

- 7.3.1. The fees proposed are compatible with our charging strategy

## **7.4. Equality**

- 7.4.1. There are no direct equality implications. The fees are calculated on a cost recovery basis and will not disproportionately affect those with a protected characteristic

## **7.5. Human Resources**

- 7.5.1. There are no human resource implications save to say that the cost recovery calculation will include increases in staffing costs

## **7.6. Risk Management**

- 7.6.1. There are no direct risk management implications

## **7.7. Rural Communities**

- 7.7.1. As the Licensing Authority we are aware that rural communities can rely on licensed vehicles where other forms of public transport are be limited. This is a further reason why there has not been a proposal to increase the fees relating to driver licenses.

## **7.8. Children and Young People/Cared for Children**

- 7.8.1. Our colleagues in Children Services have made us aware of their statutory responsibilities in ensuring children attend school, this includes using taxis to fulfil contracts. There is a lack of capacity in the market that is affecting their ability to provide that service. This is a further reason for not proposing any increase in driver fees. The Licensing Team will also be considering how best to support our colleagues in their statutory duties.

## **7.9. Public Health**

- 7.9.1. There are no direct implications for public health

**7.10. Climate Change**

7.10.1. There are no direct implications for climate change

<b>Access to Information</b>	
Contact Officer:	Kim Evans, Licensing Team Leader Kim.evans@cheshireeast.gov.uk
Appendices:	Appendix 1 – Table of Proposed Fees and Charges
Background Papers:	None

SCALE OF FEES AND CHARGES 2020/21 - CEC and ASDV	2021/2022	2022/23								
Please do not filter this document. It is designed to present the prices not analyse them.	Current Charges £	Proposed Charges £	Approved By / Approval Route (Member / Member Meeting Required)	CLT Lead	Lead Officer	Justification (Basis / reason for increase, decrease, keeping price the same, not applying standard inflationary increase)	Strategy Log Ref	ASDV / CEC	Increase / Decrease on previous year £0.00p	Increase / Decrease on previous year %
LICENSING							20.0	CEC		
Proposed Fees for Cheshire East							20.0	CEC		
							20.0	CEC		
Hackney Carriage and Private Hire Vehicles							20.0	CEC		
* Hackney Carriage - 1 year	315.00	320.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	1.59%
* Private Hire Vehicle - 1 year	315.00	320.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	1.59%
* Hackney Carriage / Private Hire Test Fee	80.00	85.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	6.25%
* Joint Hackney Carriage / Private Hire Driver - 3 years	105.00	105.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Private Hire Operator - 5 years	360.00	375.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	15.00	4.17%
* Vehicle Re-test Fee	40.00	45.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	12.50%
* Joint Hackney Carriage / Private Hire Driver - Renewal	125.00	125.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Replacement Driver Badge	10.00	10.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Replacement Plate	10.00	10.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Replacement window sticker	5.00	5.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* DVLA Licence Check	5.00	5.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Knowledge Test	50.00	50.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Knowledge Test Remark	20.00	20.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Transfer of Licence	40.00	40.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Check and Send Service	10.00	10.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Disclosure and Barring Service (DBS) Applications	50.00	55.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	10.00%
Street Traders										
* 12 Month Consent	385.00	385.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
6 Month Consent (new charge for 2022/2023)	0.00	250.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	250.00	100.00%
3 Month Consent (new charge for 2022/2023)	0.00	200.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	200.00	100.00%
1 Month Consent (new charge for 2022/2023)	0.00	150.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	150.00	100.00%
1 Week Consent (new charge for 2022/2023)	0.00	100.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	100.00	100.00%
1 Day Consent (new charge for 2022/2023)	0.00	50.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	50.00	100.00%
Sexual Entertainment Venues							20.0	CEC		
* New application	2,280.00	2,280.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Renewal	1,140.00	1,140.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Transfer	500.00	500.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Variation	2,280.00	2,280.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Copy of Public Register (per entry) Licensing Act 2003	10.50	10.50	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%

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## **Licensing Committee**

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<b>Date of Meeting:</b>	10 <sup>th</sup> January 2022
<b>Report Title:</b>	Review of the Scrap Metal Dealers Act 2013 Fees and Charges for the Period 2022 to 2025
<b>Report of:</b>	Jane Traverse – Executive Director Place
<b>Report Reference No:</b>	To be provided by Democratic Services
<b>Ward(s) Affected:</b>	All

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### **1. Executive Summary**

- 1.1. In accordance with the provisions of the Scrap Metal Dealers Act 2013, the Council is permitted to charge a fee for administering the statutory licensing of scrap metal dealers. The Council must set the fees on a cost recovery only basis as set out in the guidance issue by the Secretary of State. The purpose of this report is to request that the Licensing Committee approve the proposed fees as set out.

### **2. Recommendations**

- 2.1. To approve fees in relation to applications for Scrap Metal Dealers licences. The proposed fees for the three-year period from 1<sup>st</sup> April 2022 are:
- Site Licence Application – £247.00
  - Collectors Licence Application - £201.00
  - Replacement of a Licence - £18.00 (per licence)
  - Additional Collectors Licences - £18.00 (per licence)

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

- 3.1. In accordance with the Scrap Metal Dealers Act 2013, the Council must undertake a review of the fees to ensure they reflect the costs of administering the licences.

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

- 4.1. There are no alternatives as the setting of fees is in accordance with the Scrap Metal Dealers Act 2013.

#### **5. Background**

- 5.1. The Scrap Metal Dealers Act 2013 created a new licensing regime which replaced the previous registration system for scrap metal dealers contained within the Scrap Metal Dealers Act 1964. The 2013 Act maintained local authorities as the principal regulator but gave them the power to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if a dealer becomes 'unsuitable'.
- 5.2. The 2013 Act provides that an application for a licence must be accompanied by a fee, which is to be set locally by each local authority on a cost recovery only basis. When setting the fee local authorities must have regard to guidance issued by the Secretary of State, which sets out what should be considered when setting the fee and what activities the fee can cover. The fee is an essential component of the licensing regime as it provides local authorities with the funding, they need to administer the regime and ensure compliance.
- 5.3. In accordance with the legislation, all licences are valid for three years and it is anticipated within each three-year period the fees will be reviewed to ensure they accurately reflect the full costs associated with the provision of the service.

#### **6. Consultation and Engagement**

- 6.1. There are no requirements in legislation for any prior consultation or engagement as part of the fee setting process

#### **7. Implications**

##### **7.1. Legal**

- 7.1.1. Schedule 1(6) of the Scrap Metal Dealers Act 2013 provides that an application for a licence must be accompanied by a fee set by the local authority. In setting the fee the authority must have regard to any guidance issued by the Secretary of State. Guidance issued by the Secretary of State recommends that all fees are set on a cost recovery only basis and this may be different for the different types of licences.

- 7.1.2. Currently the Council has 49 licenced scrap metal dealers, which comprises of 28 collector's licences and 21 site licences.

## **7.2. Finance**

- 7.2.1. Fees must be set locally by Cheshire East Council on a cost recovery only basis, in line with the guidance issued by the Secretary of State, which outlines what should be considered by the Council when setting the fee and what activities the fee can cover.
- 7.2.2. In accordance with the legislation, all licences are valid for three years and it is anticipated within each three-year period the fees will be reviewed to ensure that they accurately reflect the full costs associated with the provision of the service.
- 7.2.3. The proposed fee for site licences is £247.00, which is an increase of £22.00 to reflect the extra officer time required for inspecting sites. The proposed fee for collectors is £201.00, which is an increase of £7.00 and reflects the additional time required to administer a collector's licences and the collector licence plates, which are different to those for the sites. The fees for additional collector's licences are £18.00, which is an increase of £3.00 due to the increase cost of purchasing the licence plates and staff time to prepare the duplicate licences.

## **7.3. Policy**

- 7.3.1. The fees proposed are compatible with our charging strategy.

## **7.4. Equality**

- 7.4.1. There are no direct equality implications arising from this report.

## **7.5. Human Resources**

- 7.5.1. There are no direct resource implications arising from this report.

## **7.6. Risk Management**

- 7.6.1. There are no direct risk management implications arising from this report

## **7.7. Rural Communities**

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

## **7.8. Children and Young People/Cared for Children**

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

**7.9. Public Health**

7.9.1. There are no direct implications for public health.

**7.10. Climate Change**

7.10.1. This report does not have any direct impact on the Council's carbon footprint as it relates to business within the area. However, it will help residents of the borough to recycle their waste metal items and help with sustainability overall across the borough.

<b>Access to Information</b>	
Contact Officer:	Nick Kelly – Environmental Protection Team Leader <a href="mailto:nick.kelly@cheshireeast.gov.uk">nick.kelly@cheshireeast.gov.uk</a> 07967220039
Appendices:	None
Background Papers:	The Scrap Metal Dealers Act 2013 is available here <a href="http://www.legislation.gov.uk/ukpga/2013/10/enacted/data.htm">http://www.legislation.gov.uk/ukpga/2013/10/enacted/data.htm</a>  The Scrap Metal Dealers Act 2013: Licence Fee Charges Guidance is available here <a href="https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges">https://www.gov.uk/government/publications/scrap-metal-dealer-act-2013-licence-fee-charges</a>