

Licensing Committee

Agenda

Date: Monday, 9th January, 2023
Time: 2.00 pm
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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

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

For requests for further information

Contact: Karen Shuker

Tel: 01270 686459

E-Mail: karen.shuker@cheshireeast.gov.uk with any apologies

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

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

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

4. **Minutes of Previous Meeting** (Pages 3 - 4)

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 34)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

26 September 2022

3 October 2022

5 October 2022

4 November 2022

6. **Review of Licensing Fees and Charges** (Pages 35 - 42)

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.

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 Smetham, J Smith, J Wray (Vice-Chair) and N Wylie

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 5th September, 2022 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor D Edwardes (Chair)
Councillor J Wray (Vice-Chair)

Councillors S Akers Smith, D Brown, S Davies, H Faddes, R Fletcher,
S Handley, A Harewood, I Macfarlane and N Wylie

OFFICERS IN ATTENDANCE

Kim Evans - Licensing Team Leader
Phil Jennings - Legal Officer
Josie Lloyd - Democratic Services Officer

44 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Barber, Cllr Roberts, Cllr Smetham and Cllr Smith.

45 DECLARATIONS OF INTEREST

Cllr Edwardes declared that he had previously been a mystery shopper for betting shops.

46 PUBLIC SPEAKING TIME/OPEN SESSION

There were no public speakers.

47 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 6 June 2022 be approved as a correct record.

48 MINUTES OF LICENSING SUB-COMMITTEES**RESOLVED:**

That the minutes of the following sub-committee meetings be received:

Licensing Act Sub-Committee:
23 June 2022
12 July 2022

49 REVISED STATEMENT OF GAMBLING PRINCIPLES

The committee received the report which set out the revised Statement of Gambling Principles prior to its adoption.

The policy would go on to the Environment and Communities Committee and then full Council for adoption.

RESOLVED:

That the Licensing Committee:

1. Note the draft revised Statement of Gambling Policy as set out at Appendix 1 to the report.
2. Recommend the draft revised Statement of Gambling Policy to the Environment and Communities Committee for consideration.

The meeting commenced at 14:00 and concluded at 14:08

Councillor D Edwardes (Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 26th September, 2022 in the Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillors S Akers Smith, D Edwardes and A Harewood

OFFICERS IN ATTENDANCE

Cheryl Birchenough- Environmental Health Officer- observing
Garry Coghlan- Legal Officer
Kim Evans- Licensing Officer
Helen Davies- Democratic Services
Margaret Hopley- Environmental Health Officer
Jen Rowney- Licensing Officer

Ian Donaldson- Director of HD&LD Properties Landlord
Brad Lancaster- Director of the Vault

Sue Helliwell- Made relevant representation
Chris Morgan- Made relevant representation

22 APPOINTMENT OF CHAIRMAN

RESOLVED: That Councillor D Edwardes be appointed Chairman.

23 DECLARATIONS OF INTEREST

In the interests of openness, Councillor D Edwardes declared that he knew Sue Helliwell, who had made relevant representation, through her attendance at Council meetings.

24 APPLICATION FOR A PREMISES LICENCE - THE VAULT, 19 CREWE ROAD, ALSAGER ST7 2EP

The Sub-Committee considered a report regarding for the application of a Premise Licence, under the Licensing Act 2003 in respect of, The Vault, 19 Crewe Road, Alsager ST7 2EP together with objections and support.

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

- The Applicant and Director of the premises;
- The Landlord; and
- Two residents making relevant representation.

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 additional conditions as follows:

Standard days and timings

- Provision live music (indoors)
Thursday to Saturday – 12:00hrs to 00:00hrs
Sunday – 12:00hrs to 23:00hrs
- Provision of recorded music (indoors and outdoors), late night refreshment (indoors)
Thursday to Saturday- 12:00hrs to 00:00hrs
Sunday 12:00hrs to 23:00hrs

Recorded music will be played at background noise level through built-in speakers (controlled by a decibel limiter).

- Supply of alcohol (indoors)
Thursday to Saturday – 12:00hrs to 23:30hrs
Sunday – 12:00hrs to 22:00hrs

Non Standard Timings and Seasonal Variation

- Provision of live music (indoors)
Christmas Eve, Christmas Day or New Years Eve that falls on a Monday, Tuesday or Wednesday live music is requested between 18:00hrs – 00:00hrs
- Provision of recorded music (indoors and outdoors)
Christmas Eve, Christmas Day or New Years Eve that fall on a Monday, Tuesday or Wednesday recorded music is requested between 12:00hrs – 00:00hrs

- Provision of late night refreshment (indoors)
Christmas Eve, Christmas Day or New Years Eve that fall on a Monday, Tuesday or Wednesday late night refreshment is requested between 12:00hrs - 00:00hrs
- Supply of alcohol (indoors)
Christmas Eve, Christmas Day or New Years Eve that fall on a Monday, Tuesday or Wednesday supply of alcohol is requested between 12:00hrs – 23:30hrs

The operating schedule indicates that the hours the premises are open to the public are:

- Thursday to Saturday – 12:00hrs to 00:00hrs.
- Sunday- 12:00 to 23:00hrs
- The outside courtyard area to be closed a 22:00hrs each day.
- Non standard timings and seasonal variations to be those set out above

The outside area will not have any speakers and no music will be played in this area.

Refuse, including bottles, shall not be removed from the building for disposal between the hours of 21:00 hours and 09:00 hours.

Prevention of Crime and Disorder

A CCTV system shall be used and shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called "*CCTV in 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 show/provide footage to a police officer or an authorised officer of the licensing authority data or footage upon request.

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

- Recordings are fit for their intended purpose.
- Good quality images are presented to the officer in a format that can be replayed on a standard computer.

- The supervisor has an understanding of the equipment/training.
- Management records are kept.
- Maintenance agreements and records are maintained.
- Data protection principles and signage are in place.

Risk-Assessed Door Staff

When there is regulated entertainment at the premises or when there is any specific local event, 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 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 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;
- The Company which employs the door supervisor;
- Each entry shall be signed by the door supervisor;
- Record of all incidents taking place in the venue.

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

Protection of Children from Harm

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

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

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

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

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

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

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

The DPS Premises Licence Holder shall conduct 6-monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and 2 promote best practice. A written record for each member of staff shall be kept on the content of such reviews and shall be made available for inspection at the request of Local Authority Officers and Police.

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

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

Regulated Entertainment

The DPS or their representative shall conduct regular assessments of noise emanating from the premises and shall take steps to reduce the level of noise where it is likely to cause disturbance to local residents.

A written record of those assessments and the remedial action taken shall be kept and shall include the date, time of checks and the name of the person carrying out the checks.

Records shall be made available to Officers of Cheshire East Council or Cheshire Constabulary immediately upon request.

Prevention of public nuisance

All necessary steps shall be taken to ensure that any noise from the premises shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises, therefore:

Noise emanating from the premises as a result of entertainment shall not be clearly audible at the boundary of any adjacent residential premises.

There shall be notices located at the exit(s) requesting customers leaving the premises to do so quietly and with consideration to neighbours.

The meeting commenced at 2.00 pm and concluded at 4.48 pm

Councillor David Edwardes (none)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 3rd October, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillors D Edwardes, A Harewood and I Macfarlane

OFFICERS IN ATTENDANCE

Tracey Billington, Licensing Officer
Garry Coughlan, Solicitor
Kim Evans, Licensing Enforcement Officer
Margaret Hopley, Environmental Health Officer
Karen Shuker, Democratic Services Officer

ALSO PRESENT

Joe Barnett, Managing Director New Bohemia Music Group
Lesley Halliday, Cheshire Police
James Hall, Premises Licence Holder
Matthew Phipps, Solicitor representing Outlook Festival
Wesley Stockton, Local resident with relevant representation
Neil and Julie Cummings, Local residents with relevant representation
Keith Slack, Local resident with relevant representation

25 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor David Edwardes be appointed as Chair.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 APPLICATION TO REVIEW A PREMISES LICENCE - CHOLMONDELEY ESTATE, CHOLMONDELEY, SY14 8EZ

The Sub-Committee considered a report for an application to review a Premises Licence under the section 34 of the Licensing Act 2003 in respect Cholmondeley Estate, Cholmondeley, SY14 8EZ, together with objections and support.

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

the Applicant,
Cheshire Police,
The Premise Licence Holder,
The Solicitor representing Outlook Festival

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 existing Licence
- A list of complaints made to Outlook Festival
- The oral and written representations made by all parties.
- A further breakdown of some of the complaints (“Complaints Log”)
- SPL Track Environmental Noise Management Report, 6.7.22 .
- A letter to the Premises Licence Holder from Cheshire East Council’s Regulatory Services and Health Officer, dated 4 July 2022
- The Application.
- Representations by Cheshire Constabulary
- A letter from Dr Mark Tyrer, Director of Public Health to the Senior Licensing Officer, Jennifer Rowney, dated 16 August 2022
- The 4 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.
- The Secretary of State’s Guidance on the Licensing Act 2003 (April 2018).
- Cheshire East Council’s Statement of Licensing Policy

RESOLVED:

That following review, the existing Premises Licence be MODIFIED as follows:

That the existing licence should be modified by restricting the playing of amplified live or recorded music during the hours of 00:00 – 08:00 am, Monday to Sunday inclusive.

Additional conditions requested by Cheshire Constabulary and agreed by the Premises Licence Holder as outlined in Schedule 1 of the Decision Notice below

The meeting commenced at 10.00 am and concluded at 2.30 pm

Councillor D Edwardes

SCHEDULE 1

Additional conditions requested by Cheshire Constabulary and agreed by the Premises Licence Holder

The Premises Licence Holder shall comply with the Key dates set out in the time-table below in each year that the Premises Licence remains in force:-

Key Date 1 No later than 6 months prior to the proposed dates of the event taking place: -

The Event Manager shall notify all Responsible Authorities and ESAG of his intention to hold the event and the proposed date it is to be held.

Key Date 2 No later than 120 days prior to the event taking place: -

The Event Manager shall consult with Cheshire East Council Highways and Cheshire Police with regard to his proposals for traffic management, security and stewarding

Key Date 3 No later than 90 days prior to the event taking place: -

The Event Manager shall submit draft copies of his Event Management Plan to ESAG for consultation and review by the appropriate authorities. It is appreciated that this is a living document and may be subject to change as the event develops. Where changes are made, these are to be detailed and highlighted to ESAG: -

The Event Safety Management Plan shall include unless provided as separate documents: -

- Crowd Management Plan
- Security and Stewarding Plan
- Traffic Management Plan drawn up by his appointed traffic management contractor which shall include any Temporary Traffic Regulation Orders he may seek to be imposed
- Noise Management Plan detailing the sound control procedures, music noise limits and sound propagation tests
- Medical/First Aid/Welfare Plan detailing the location(s) on site, number of staff and the operational times
- Fire Safety Plan detailing the fire safety equipment and personnel to be available on site, evacuation points and projected exit times
- An Emergency/Contingency Plan detailing blue light access routes, rendezvous point(s) and public evacuation areas
- A gridded and scaled plan of the event site

- Risk Assessment(s)
- A list and descriptions of any temporary structures
- A copy of his Public Liability Insurance document

Key Date 4 No later than 35 days prior to the event taking place: -

The Event Manager will submit final copies of the documents referred to above and any subsequent changes must immediately be brought to the attention of ESAG.

Key Date 5 During the week immediately prior to the event and if requested to do so:-

The Event Manager shall provide access to the event site to any member of ESAG or other Responsible Authority for the purposes of a site inspection and confirmation of compliance with the Event Safety Management Plan.

The Prevention of Crime and Disorder

The Licence Holder will appoint a Security and Stewarding provider and their Operational Plans will be contained in the EMP. All Security and Stewards will be easily identifiable and have appropriate training for their duties. A register will be maintained of all stewards and security staff employed before, during and after each event containing their full names, dates of birth, home addresses, employers, event specific identification and where appropriate, their Security Industry Authority (SIA) registration details.

Where individuals are required on the Licensed Premises to carry out licensable security activities under the Private Security Industry Act 2001 they must be licensed by the Security Industry Authority.

(a) The numbers of SIA registered staff and stewards and their deployment areas and times of duty shall be set by the security provider and agreed by Police and ESAG. These details shall be included in the Event Safety Management Plan or other plan(s) where these are separate documents.

(b) Sufficient numbers of security staff shall remain on duty to complete the egress process and this number shall be agreed at ESAG meetings.

(c) Each member of security staff shall continue to wear uniquely numbered tabards or other agreed form of individual identification for the duration of the event.

(d) There shall be no replacement of Police personal by civilian security staff without the prior agreement of the ESAG.

The Alcohol Management Plan will set out procedures to minimise any contribution to crime and disorder from the consumption of alcohol.

The Premises Licence Holder shall take all reasonable steps to prevent drunkenness or other disorderly conduct and shall not permit entertainments which are obscene offensive to public decency or calculated to incite a breach of the peace.

The Premises Licence Holder shall prepare a drugs policy for events which will be based on 3 core messages:

- Prevention
- Drug Dealers and users
- Welfare and treatment

Random searching at a search ratio agreed with the Police will take place at all entrances and within the Licensed Premises for offensive weapons or drugs along with other prohibited items such as but not limited to glass bottles, illegal drugs, legal highs, nitrous oxide or weapons of any kind. In addition, bags will be searched on entry. Searching of persons shall be carried out by members of the same gender.

The ticket conditions shall indicate that searching for prohibited items will be carried out and there will be signage with this message at all entrances.

In accordance with the Alcohol Management Plan, ticket holders will not be permitted to bring alcohol into the Event.

Anyone deemed to be drunk and/or disorderly or under the influence of any controlled substances will be refused entry to the Event.

Any person displaying drunken or aggressive behaviour will be removed from the Event and their removal recorded in the incident log book. Anyone found to be using illegal substances will be dealt with in accordance of the Drugs Policy. No legal highs or nitrous oxide will be allowed into the event. Anyone found with these items in their possession will be refused entry or ejected if there are grounds to suspect that they are selling them. Anyone found using or in possession of illegal substances will be dealt with in accordance with the agreed drugs policy for this event, which will be found in the EMP.

An incident and log book will be completed for any incident of crime and disorder or anti-social behaviour that takes place within the Licensed Premises. The log book/record will be made available upon request to officers from the Licensing Authority, Trading Standards and the Police.

A strategy will be put into place to steward areas outside the licensed area.

There shall be:

- (a) A review of concerns of the community in relation to public nuisance on an annual basis,
- (b) A review of crime and disorder on an annual basis,
- (c) A review of the Event Safety Management Plan and any ancillary documents shall take place on an annual basis with the Event Safety Advisory Group.
- (d) An appointed representative of the Premises Licence Holder shall attend advisory briefings with senior Cheshire Constabulary staff appointed by Cheshire Constabulary when arranged prior to and after any event.

Public Safety

The ticketed capacity will not exceed the maximum capacity permitted by the premises licence.

Appropriate arrangements by way of barriers, gate systems, security or other provision will be made, in agreement with the responsible authorities, to prevent unauthorised access to the Licensed Premises and manage entry to the Licensed Premises.

Customer admission to the Licensed Premises will be by ticket only Ticket printing manifests and sales figures will be available upon request to the Licensing Authority.

The Licensed Premises shall conform to all relevant provisions of current Health and Safety legislation in respect of persons employed in or visiting the venue and the Premises Licence Holder shall comply with all such legislation and the reasonable requests of the Health and Safety Inspectorate.

The Premises Licence Holder will appoint a suitably competent provider to manage and provide suitably staffed and equipped medical/first aid facilities to the satisfaction of the ESAG.

The Premises Licence Holder shall ensure that adequate sanitary provisions and hand cleansing facilities are provided for the number of people expected to attend the event to the satisfaction of the Licensing Authority. Toilets shall be kept in good order and repair and serviced throughout the event to ensure they are kept safe, clean and hygienic. Toilets shall be supplied with toilet paper, in a holder or dispenser at all times. The quantity of toilets provided will be at least the number advised in the Purple Guide.

Details of all temporary structures (including stages) will be included in the Event Management Plan.

Vehicle movement within the Licensed Premises will be limited to those which are essential and will be controlled to ensure safety of the public and staff. Vehicles moving within public areas will require a Banksman at all times.

The siting of all concessions will be in consultation with the ESAG.

All food concessions will be available for inspection at times suitable to the Council's Environmental Health Officers. Any food concession not complying with food safety or occupation Health and Safety at Work Requirements will be closed upon request of the appropriate Environmental Health Officer.

No glass bottles will be sold anywhere on site. All bottles will be PETs sold with tops removed, and where practicable, draft will be sold in plastic/paper cups.

A Transport Plan including a Traffic Management Plan will be provided within the Event Management Plan.

Suitable notices shall be provided throughout the Licensed Premises to indicate clearly the location of all available services and facilities such as sanitary accommodation, refreshments, drinking water, first aid points and exits, all of which shall be clearly signposted.

The Prevention of Public Nuisance – Agreed by Environmental Health

- (a) The Premises Licence Holder shall appoint a suitably qualified and experienced Acoustic Consultant who shall be required to advise the Premises License Holder. The Consultant shall manage noise generated during the licensed events and liaise with all the relevant parties ie the Premises License Holder, the Environmental Protection Team at Warrington Borough Council, Event Promoters, Sound System and Performers, prior to and during the licensed event.
- (b) At least three calendar months in advance of the event taking place each year, the Premises Licence Holder shall submit to the Environmental Protection Department a "Noise Management Plan" for prior written approval in advance of the event taking place. Thereafter, the approved "Noise Management Plan" shall be observed and complied with in full. Subject to Environmental Protection being satisfied, written approval will be given no later than two months in advance of the event taking place with any modifications only being made with the prior consent of Environmental Protection. For the avoidance of doubt the "Noise Management Plan" shall include the following elements:
 - (i) Shall clearly define the measures to be taken to achieve (e.g. sound propagation, calculation, Mapping or similar), and

ensure compliance (e.g. manned monitoring locations, remote monitoring with feedback system to the sound mixing desk), with the "Music Noise Level".

- (ii) The Premises License Holder shall include an initial noise assessment in the Noise Management Plan. This shall detail the ambient noise levels at specific locations together with details of predicted noise levels during the event at agreed residential locations (taking into account all amplified noise sources). It shall also provide details of how the applicant and their Acoustic Consultant propose to ensure that noise conditions across the site are complied with. This shall be submitted to and agreed by Cheshire East Borough Council's Environmental Protection Department prior to the submission of the Noise Management Plan. Cheshire East Council does not expect that the ambient noise levels will alter year after year and so would only require that the applicant's Acoustic Consultant carry out a further ambient noise assessment in the event of a significant change to the local noise environment.
- (iii) Shall clearly define the continuous noise monitoring arrangements and locations to be monitored, to determine compliance with the "Music Noise Level" for the full duration of each performance.
- (iv) Shall consider other sensitive activities that may be affected by the event(s), for example, church services. (only applicable if there's a village church nearby)
- (v) Any use of public address systems, other potentially noisy activities such as fairgrounds and pyrotechnics) shall be considered and detailed in the noise management plan.
- (vi) Shall specify the operator competency and type of noise monitoring equipment to be utilised.
- (vii) Measurements shall be undertaken on a real time basis for the full duration of the event.
- (viii) Shall clearly define the arrangements to secure compliance with the "Music Noise Level" throughout the event and the organisational management to secure the same. Where the "Music Noise Level" is breached, details of corrective action shall be appropriately documented.
- (ix) Shall clearly define the arrangements for receiving and responding to complaints from the community about noise

and other issues associated with the build-up and clearance of the site infrastructure and the event itself.

- (x) All complaints shall be documented with the date and time of receipt, contact details for the complainant, details of the person receiving the complaint, details of the complaint, details of the investigation made and the date and time of any feedback given to the complainant.
- (xi) The sound systems associated with each ride on the fairground shall not be operated after 22:00. (Only applicable if Fairground rides are present)
- (xii) Not later than 7 days in advance of the event taking place each household and business within the vicinity of the site (to be agreed with the Local Authority) shall be provided with details of how to make a complaint about event related noise, and be provided with an event timetable including times and dates for the erection and dismantling of the site infrastructure, sound propagation and speaker tests, sound checks time of the first chord and last chord for each day
- (xiii) Erection and dismantling of the site infrastructure shall not take place before 08.00hrs or after 20.00hrs on any day. If for any reason, these times need to be extended, such as a result of poor weather conditions, permission must be sought by the local authority and only 'non-noisy' works may take place.
- (xiv) Timings for sound propagation and speaker tests shall not take place before 08.00hrs or after 20.00hrs on any day.
- (xv) The appointed acoustic consultant will comply with any reasonable noise management request from the environmental protection team.
- (xvi) The Premises License Holder shall ensure that any Sound System Supplier, Sound Engineer, Sound Equipment Operator or Performer is informed of the noise conditions contained within the licence and that they will be required to comply with any instructions given to them by the Premises License Holder or the employed Acoustic Consultant.
- (xvii) Within one calendar month of the event taking place, a full "Noise Report" prepared by a technically competent representative of the Acoustic Consultant shall be submitted to the Environmental Protection Department in writing.

This report shall include:

i. Details of the findings of the noise monitoring undertaken during the event.

ii. Details of the number of occasions and duration when the "Music Noise Level" was exceeded.

iii. Details of the corrective action taken to ensure compliance with the "Music Noise Level".

iv. Provide a full breakdown of noise complaints received and the action taken.

v. Make recommendations for improvements in the management of event related noise for subsequent events.

(xvii) Allow for authorised, named, Local Authority employees to access any area of the site where a main sound system may be operable, to conduct noise monitoring if it is deemed necessary and safe.

The "Music Noise Level" shall not exceed 75dB LAeq (15 mins) 1 metre from the facade of any noise sensitive premises (measured or where this is not achievable calculated from a nearby representative measurement position).

At least 28 days prior to any event involving lighting or fireworks which are to be visible outside the Licensed Premises a scheme containing full details of such lighting or fireworks the Premises Licence Holder will submit to the Licensing Authority for approval such approval not to be unreasonably withheld or delayed and any such scheme shall be implemented as approved.

No firework displays at the end of an event shall be held without the consent of the Licensing Authority.

At least 28 days prior to the event a scheme for collection and clearance of litter shall be submitted by the Premises Licence Holder to the Licensing Authority for approval, such approval not to be unreasonably withheld or delayed and clearance of litter shall be carried out in accordance with the approved scheme.

The Premises Licence Holder will appoint a litter management company which will produce a litter management plan for the Licensed Premises. The litter management plan will include sufficient suitably trained and equipped staff who will be employed to collect litter during and after the event. This will include areas outside the licensed site including neighbouring residential areas

The Premises Licence Holder will also ensure that waste generated from sanitary facilities is properly disposed of with details being contained in the Event Management Plan.

At least 28 days prior to any event a scheme (a dispersal policy) based on a risk assessment undertaken by the concert organisers for the stewarding of the adjoining areas on the day(s) of the concert(s) shall be submitted by the Premises Licence Holder to and agreed by the ESAG, relevant Responsible Authorities (including Police) and the Licensing Authority.

Stewarding shall be carried out in accordance with the approved scheme save for any amendments or variations at the direction of the event control or security teams for the concert made necessary in the interests of the safety or security of persons attending the concert or living in the immediate vicinity of the Licensed Premises by circumstances arising on the day(s) of the Event.

The Protection of Children from Harm

The Premises Licence Holder will carry out a risk assessment for every event to consider the implications of attendance of children at the event. If appropriate, information will be given out in advance to say that no-one under the age of 16 years will be allowed to attend the event unless accompanied by an adult.

At the point of sale of tickets for events recommendations will be given upon the suitability of the entertainment and the attendance of children whether accompanied or not.

At events when children are present, parents and guardians will be advised to instruct children to contact security, stewards, police or first aiders if they become separated.

Staff at the event will be briefed with the protocol for appropriately escorting and caring for children until they are reunited with parents / guardians.

Any child entering with an adult will be offered a wristband with the accompanying adults' telephone number written on it in case they get separated during the event. A welfare tent will be situated on site which will also house a dedicated "lost children" staff member.

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

A "Challenge 25" policy will be in place at all bars and displayed on the Website and ticket outlets.

Publicity materials notifying customers of the "Challenge 25" scheme shall be displayed at the premises.

A documented training programme shall be introduced for all staff in a position to sell, serve or deliver alcohol. The programme shall be made available for inspection at the request of the Local Authority officers and/or the police. Alternatively, where agency staff are to be employed the organisers of the event shall provide documentary evidence that all staff in a position to sell, serve or deliver alcohol have received appropriate training.

The "Challenge 25" Policy will be robustly enforced. Bar staff shall ask for proof of age ID whenever the customer appears to be under 25 years old. The alcohol policy for all events will take all reasonable steps to minimise the likelihood of supply or consumption of alcohol by persons under 18.

The Premises Licence Holder shall prominently display notices at bars stating it is an offence to purchase or attempt to purchase alcohol for anybody under 18.

All staff employed in the sale of alcohol will be fully trained regarding age restricted sales and sales to persons who are drunk. All sales training undertaken by staff members shall be fully documented and recorded prior to being allowed to sell alcohol, all training records shall be made available from officers from the Licensing Authority, Trading Standards and the Police.

The sale or supply of alcohol will only be permitted by the Designated Premises Supervisor (DPS) or by his/her written authority. The DPS will remain on site during the hours of alcohol service.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 5th October, 2022 in the Council Chamber - Town Hall,
Macclesfield, SK10 1EA

PRESENT

Councillors S Akers Smith, D Edwardes and A Harewood

OFFICERS IN ATTENDANCE

Phil Jennings, Legal Officer
Josie Lloyd, Democratic Services Officer
Richard Hellon, Licensing Officer
Margaret Hopley, Environmental Health Officer

ALSO PRESENT

Brian Chaplin and Elizabeth Devlin (on behalf of South Knutsford Residents Group) - Applicants for the review
Joshua Boyd - Premises Licence Holder
Ian Schofield - Local Resident with relevant representation
Ross Monro - Local Resident with relevant representation
Stephen Devlin - Local Resident with relevant representation

29 APPOINTMENT OF CHAIR

RESOLVED:

That Councillor David Edwardes be appointed as Chair.

30 DECLARATIONS OF INTEREST

There were no declarations of interest.

31 APPLICATION TO REVIEW A PREMISES LICENCE - CHESHIRE FEST AT THE LAMBING SHED

The Sub Committee considered a report regarding the application for a review of the Premises Licence, under the Licensing Act 2003, in respect of Cheshire Fest @ The Lambing Shed, Knutsford, WA16 8RB together with objections and support.

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

The Applicants;

The Premises Licence Holder;

Local Resident Objectors.

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

- The Secretary of State's Guidance under 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, following the review, the Premises Licence be MODIFIED as follows:

The following existing conditions are revoked:

- Noise emanating from the Premises because of entertainment or music shall not be clearly audible at the boundary of the nearest residential premises.
- Regular noise assessments shall be undertaken by the Licensee or Manager and steps taken to reduce the level of noise where it is likely to cause a disturbance to local residents.
- The noise assessment shall be undertaken during the hours the Premises are open to the public and when entertainment or music is occurring.
- A written record shall be made of those assessments in a logbook kept for that purpose and shall include:
 - the time and date of the checks,
 - the person making them and,
 - the results including remedial action, in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

The following new conditions are imposed:

The opening hours of the Premises are modified to once a year for a period of three consecutive days at the following times:

Friday	11:00 – 23.00
Saturday	11.00 – 23.00
Sunday	11.00 – 21.00

The supply of alcohol at the Premises is modified to once a year for a period of three consecutive days at the following times:

Friday	11:00 – 22.45
Saturday	11.00 – 22.45
Sunday	11.00 – 20.45

The provision of regulated entertainment (live unamplified music, live amplified music and recorded music) at the Premises is modified to once a year for a period of three consecutive days at the following times:

Friday	17:00 – 22.30
Saturday	11.00 – 22.30
Sunday	11.00 – 20.30

The Licence Holder shall appoint a suitably qualified and experienced noise control consultant no later than 28 days prior to an event and notify the Licensing Authority of their details. The noise control consultant shall liaise between the Licence Holder and Licensing Authority on all matters relating to noise control prior to and during an event. They shall be delegated the responsibility of noise control during an event and during sound tests.

The Licence Holder shall ensure that the noise consultant is contactable by the Licencing Authority at all times during an event and its sound checks.

The Licence Holder shall ensure that all sound engineers are informed of the sound control limits and that any instructions from the noise control consultant regarding noise levels shall be implemented.

Music noise levels at the intersection between Goughs Lane and the A637 Chelford Road:

- Shall not exceed 65 dB(A) LAeq over any 15-minute period.
- The unweighted Leq level shall not exceed 70dB in either of the 31.5Hz, 63Hz or 125Hz octave bands.

Overall Sound Levels measured at the intersection between Goughs Lane and the A637 Chelford Road are to be recorded in dB(A). Spectral (e.g. octave band) sound levels are to be recorded in dB (unweighted).

If the octave band level exceeds 70dB on more than 3 occasions during the evening period (7pm-11pm and 7pm -9pm on Sunday) of an event then bass noise levels shall be actively reduced by 5dB.

If noise levels are recorded over the set noise criteria above the Licence Holder must comply with all directions provided by the noise control consultant and or the Licensing Authority to reduce or adjust noise levels to within the set criteria.

Any plant or equipment likely to cause noise audible outside between the hours of 23:00 and 10:00 shall be sited or controlled so as not to cause a public nuisance.

The noise consultant shall prepare a report of an event which shall be forwarded to the Licensing Authority within 14 days of the event occurring.

A Noise Management Plan (NMP) shall be published on the Licence Holders website and sent to the Licensing Authority 14 days prior to an event taking place at the Premises. The NMP shall detail the steps that will be taken to prevent disturbance to local residents and businesses by way of noise and to ensure that the licensing objective of the prevention of public nuisance is upheld.

The NMP shall detail as a minimum the following:

- A site layout plan detailing:
 - i. the location of the event,
 - ii. stage locations,
 - iii. speaker orientations,
 - iv. nearest noise sensitive areas,
 - v. any neighbouring land-use details,
- A stage program that includes the time of sound checks and when each music act is performing and the type of music that is being performed.
- Details of the consultation measures that will take place with potentially noise affected premises, both residential and businesses.
- Details of any acoustic modelling that may have been undertaken prior to the event.
- A sound assessment with details and proposals for monitoring and controlling sound emission.
- Methodology and documentation of complaints handling and response procedure for responding to complaints in real-time by local residents and businesses.

Correspondence shall be disturbed 14 days prior to the event to local residents and businesses within at least 0.5 miles of the Premises to advise details of the forthcoming event and shall include as a minimum the following information:

- Dates, name and type of event.
- Dates and times of sound checks.

- Dates and times of amplified music/performances.
- Contact number and name of a person who shall be available at all times during the event to immediately respond to any concerns or complaints from local residents and businesses and to be able to facilitate an improvement to noise, traffic and parking if it is found to be justified concern or complaint. A copy of the letter shall be included in the NMP.

A post event debriefing meeting shall take place within 21 days of an event taking place between the Licence Holder, noise consultant, Licensing Authority and a representative of the South Knutsford Residents Group to address complaints received during the event, breaches of noise criteria limits and identification of any improvements for future events and additional requirements of noise management plans.

The meeting commenced at 14:30 and concluded at 17:30

Councillor D Edwardes

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 4th November, 2022 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillors J Wray, A Harewood and H Faddes

OFFICERS IN ATTENDANCE

Amy Chilver- Environmental Health Officer
Helen Davies- Democratic Services Officer
Kim Evans- Licensing Team Leader
Louise Price- Legal Officer

ALSO PRESENT

Gill Sherratt- Napthens Licensing Consultant
Daniel Morgan from Owen House Wedding Barn Ltd
Natasha Morgan from Owen House Wedding Barn Ltd

32 APPOINTMENT OF CHAIRMAN

RESOLVED: That Councillor J Wray be appointed Chairman.

33 DECLARATIONS OF INTEREST

There were no declarations of interest received.

34 APPLICATION FOR A PREMISES LICENCE LADY GREY FARM, LADY LANE, MOBBERLEY, WA16 7NE

The Sub-Committee considered a report regarding for the application of a Premise Licence, under the Licensing Act 2003 in respect of, Lady Grey Farm, Lady Lane, Mobberley, WA16 7NE together with objections and support.

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

- The Applicants; and
- A Licensing Consultant acting on behalf of the Applicants.

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 additional conditions as follows:

Supply of alcohol (for consumption on and off the Premises)

Saturday - 10.00 to 00.00hrs

Provision of Recorded Music (Indoors)

Saturday – 23.00 to 00.00hrs

Provision of Live Music (Indoors)

Saturday – 23.00 to 00.00hrs

Provision of Performances of Dance (indoors)

Saturday – 23.00 to 00.00hrs

**Provision of anything similar of a similar description to Live Music
Recorded Music or Performances of dance (Indoors)**

Saturday – 23.00 to 00.00hrs

Late Night Refreshment (Indoors)

Saturday – 23.00 to 00.00hrs

Additional Conditions

The following conditions shall apply to the Premises Licence at Annex 3:

1. Any live or recorded music emanating from the Premises shall not be clearly audible at the boundary of the nearest residential property.
2. The Premises Licence holder will make every effort to ensure that noise from the patrons does not cause a nuisance at the nearest residential property. Any person acting in a way that presents any risk of disturbance to the nearest residential property will be dealt with immediately and asked to moderate their behaviour and/or

move inside the Premises. If they continue, they will be asked to leave the Premises (and outside areas) and assisted to do so with the minimum of delay. If appropriate the police will be contacted.

3. At all times when the Premises is open to the public, the entrance doors shall either:
 - a. Be kept closed and/or
 - b. Adequately lobbied – double door system
4. Save for access and egress.
5. From the start of the evening reception through to the end of the evening, the non-openable picture window on the north east façade shall be shuttered.
6. If the building requires ventilation openings, these shall be fitted with appropriate acoustic attenuators to ensure that the opening does not compromise the building envelopes sound insulation properties.
7. There shall be no temporary or permanent speakers permitted in any outside areas.
8. Regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.

The noise assessments shall be undertaken at least hourly from the start of the evening reception through to the end of the evening and shall include the garden and patio area.

A written/electronic record shall be made of those assessments in a log book, kept for that purpose and shall include; the time and date of the checks, the person making them and the results including any remedial action in order to reduce the level of noise where it is likely to cause a disturbance to local residents.

9. Alcohol will be sold for consumption off the Premises only to allow guests to consume alcohol in the garden/patio areas outlined in red on the plan.
10. An event/dispersal plan will be in place at the Premises. The plan will be made available for inspection at the request of a responsible authority.

11. An in-house sound system shall be installed at the Premises which shall include a tamper-proof sound limiter. This must operate at all times that regulated entertainment takes place at the Premises and for all speeches/announcements made using microphones. The device must be of a type and in a location as agreed in conjunction with the Environmental Health Team at Cheshire East Council and the tamper-proof sound limiter must be set at a level in conjunction with the Environmental Health Team to ensure that noise from regulated entertainment and voices is not clearly audible at the boundary of the nearest residential property.
12. Notices will be positioned at the exits to the building, in the patio area and in the pick up and drop off area requesting that patrons keep noise to a minimum and are mindful of local residents.
13. At the end of the evening management, staff and security staff will assist the orderly and gradual dispersal of patrons.
14. Management, staff and security staff will advise patrons to leave the Premises quickly and quietly out of respect for neighbours.
15. Management, staff and security staff will ensure the removal of all bottles/glasses/drinking receptacles from any patrons before exiting the barn at the end of the evening.
16. Management, staff and security staff will actively discourage customers from assembling outside the Premises at the end of an event. Customers whose taxis/transport have not yet arrived will be encouraged to wait inside the building.
17. From 00.00 (or from last orders at the bar if earlier) until all patrons have dispersed from the Premises, at least one member of security staff or other staff member will be positioned in the pick up and drop off area to monitor dispersal into taxis/transport and ensure noise is kept to a minimum; and at least one member of security staff or other staff member will be positioned at the entrance gate to the Premises to ensure that queuing taxis/transport are directed to the pickup and drop off point efficiently and advised not to sound horns or leave engines running when waiting to collect patrons.
18. There shall be no emptying of bottles by staff into external bins/skips or receptacles between the hours of 21.00 and 08.00.
19. Deliveries to the Premises shall not take place between 21.00 and 08.00 on any given day.

20. The maximum number of patrons at any event will be 80 persons (for the avoidance of doubt this does not include staff).
21. There shall be a dedicated telephone number provided to local residents to enable them to contact the venue if noise issues are experienced during any event.
22. There shall be no more than 50 wedding functions in any calendar year.

The meeting commenced at 1.07 pm and concluded at 1.57 pm

Councillor John Wray (Chair)

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Licensing Committee

Date of Meeting:	09 January 2023
Report Title:	Review of Licensing Fees and Charges
Report of:	Jayne Traverse, Executive Director – Place
Ward(s) Affected:	All Wards

1. Purpose of Report

- 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. Executive Summary

- 2.1. The Licensing Team has reviewed the fees and charges payable for applications within our remit and is proposing a number of increases as set out within appendix 1.

3. Recommendations

- 3.1. That the Licensing Committee resolves to:
- 3.1.1. Confirm the fees payable as set out in appendix 1.
 - 3.1.2. Authorise the Licensing Team Leader to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions.
 - 3.1.3. That delegated authority be given to the Head of Regulatory Services to consider any objections received and determine the final fees payable in consultation with the Chairman of the Licensing Committee.

4. Reasons for Recommendations

- 4.1. The Council has made provision in its Constitution for the setting of these fees to be delegated to the Licensing Committee.

5. Other Options Considered

- 5.1. 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.
- 5.2. In proposing these increases we have considered whether or not it is appropriate to increase all licence fees or if some fees can be frozen. However, given the financial pressures on the Council a freeze or reduction in taxi licensing fees is not appropriate.

6. Background

- 6.1. 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 profit from licensing fees and cannot support the General Fund from licensing fees.
- 6.2. 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, and purchase costs etc.
- 6.3. The Local Government Miscellaneous Provisions Act 1976 (the Act) that allows a Council to set taxi licensing fees, 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.
- 6.4. 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:
- i. The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
 - ii. The reasonable cost of providing Hackney Carriage stands.
 - iii. Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles.
- 6.5. 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".

- 6.6.** In proposing the fees for 2023/2024 we have been mindful of the current cost of living increases, the continued effect of the economy post pandemic on the licensed trade, and the increases in costs to the Council caused by current inflation rates.
- 6.7.** In 2021/2022 the Licensing Authority did not increase fees as we acknowledged the impact of Covid lockdowns were having on the licensed trade. It was possible to use some staff cost savings (saved due to maternity leave) to mitigate the cost of any increase in budgetary demands on the Team.
- 6.8.** In 2022/2023 the Licensing Authority increased all taxi licensing fees except the licence fee for the grant of driver licences. This was because we had seen a reduction in the number of drivers and it was hoped that freezing the fee would help those thinking of coming into the trade to make application. Since 01/04/2022 we have seen 22 new driver licenses granted. This compared with 8 in 2020/2021 and 17 in 2021/2022.
- 6.9.** 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 (a maximum cap). It should be noted that the fees in respect of Licensing Act 2003 applications have not increased since 2005 and the fees for applications under the Gambling Act 2005 have not increased since 2007.
- 6.10.** 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.
- 6.11.** The fees relating to street trading and sex establishments 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:
- i. Fee charges must be proportionate to the cost of the process
 - ii. Fees cannot be used as either a deterrent or to raise funds
 - iii. Enforcement should not be included in the fees
- 6.12.** There are a number of cases in the Higher Courts that have set down the lawful approach to fees and fee setting. This includes the activities that can be included when calculating costs. The general principles include; the Licensing Authority cannot make a profit and must carry forward surplus, deficits can be recouped through increasing fees, only administration and issue costs can be taken into consideration, compliance with a licence or conditions etc. is compliance rather than enforcement, costs for one type of licence can be incorporated into the fees of another. In reviewing the fees, all case law has been taken into consideration.

- 6.13.** It is envisaged, subject to consultation and the consideration of any objections, that the increase in fees would take effect on the 1st April 2023.

7. Consultation and Engagement

- 7.1.** 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 place is set down within legislation.

8. Implications

8.1. Legal

- 8.1.1.** The Recommendations in Section 3 of this Report are supportable should the Members wish to delegate some of its fee setting functions. This will be expeditious and retain committee oversight.
- 8.1.2.** 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.
- 8.1.3.** 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 it has to be taken into account as does the scale of the increase. Members should satisfy themselves that any proposed increase in fees is proportionate to the licensing function to which it pertains
- 8.1.4.** Members should not approve an increase in licensing fees:
- i. For drivers of hackney carriages and private hire vehicles that are not reasonable to cover the cost of issue and administration.
 - ii. For hackney carriage and private hire vehicles and Operators that are more than sufficient in aggregate to cover the costs in Paragraph 6.4.
 - iii. For street traders and sexual entertainment venues that are not proportionate to the cost of the process, and which include enforcement in the fee.
- 8.1.5.** Licensing fees which are neither reasonable nor proportionate are susceptible to challenge on public law grounds by way of judicial review.

8.2. Finance

8.2.1. 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.

8.2.2. 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).

8.3. Policy

8.3.1. The fees proposed are compatible with our charging strategy

8.4. Equality

8.4.1. 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.

8.4.2. An Equality Impact Assessment has therefore not been completed as part of this process.

8.5. Human Resources

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

8.6. Risk Management

8.6.1. If the Committee determined that no increases in fees are appropriate, this could place a financial burden on licensing budgets that may require support from the General Fund. This in turn may mean that other Teams or Services see their budgets reduced.

8.7. Rural Communities

8.7.1. As the Licensing Authority we are aware that rural communities can rely on licensed vehicles where other forms of public transport are be limited. However, the costs of using services may be prohibitive for those on low or fixed incomes.

8.8. Children and Young People/Cared for Children

8.8.1. 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 following the independent review into Travel Support for Children & Young People.

8.9. Public Health

8.9.1. There are no direct implications for public health

8.10. Climate Change

8.10.1. There are no direct implications for climate change

Access to Information	
Contact Officer:	Kim Evans, Licensing Team Leader licensing@cheshireeast.gov.uk 0300 123 5015
Appendices:	Appendix 1 – Fees and Charges for 2023/2024
Background Papers:	None

SCALE OF FEES AND CHARGES 2020/21 - CEC and ASDV	2022/2023	2023/2024								
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							20.0	CEC		
* Hackney Carriage - 1 year	320.00	325.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	1.56%
* Private Hire Vehicle - 1 year	320.00	325.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	1.56%
* Accident replacement vehicle 3 month licence inclduing 1 test (new fee for 2023/2024)	0.00	175.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	175.00	100.00%
* Hackney Carriage / Private Hire Test Fee	85.00	85.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Joint Hackney Carriage / Private Hire Driver - 3 years	105.00	115.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	10.00	9.52%
* Private Hire Operator - 5 years	375.00	400.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	25.00	6.67%
* Vehicle Re-test Fee	45.00	50.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	11.11%
* Joint Hackney Carriage / Private Hire Driver - Renewal	125.00	135.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	10.00	8.00%
* 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%
* Safeguarding Training (where there is a costs to the Licensing Authority) (new fee for 2023/2024)	0.00	50.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	50.00	100.00%
* Transfer of Licence	40.00	45.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	12.50%
* 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	55.00	58.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	3.00	5.45%
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	250.00	250.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
3 Month Consent	200.00	200.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
1 Month Consent	150.00	150.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
1 Week Consent	100.00	100.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
1 Day Consent	50.00	50.00	Licensing Committee	Jayne Traverse	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
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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