

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 12th September, 2011 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, D Bebbington, H Davenport, I Faseyi, L Gilbert,
M Hardy, A Harewood, D Mahon, G Morris, M Parsons, M Sherratt and
L Smetham

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor
Mr D Hawkes, Team Leader Investigations
Mrs J Zientek, Democratic Services Officer

Apologies

Councillor Rhoda Bailey

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

9 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 8 June 2011 be approved as a correct record and signed by the Chairman.

10 RE-ADOPTION OF SECTIONS 14 - 17 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED)

The Committee considered a report regarding a proposal to re-adopt the provisions of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), which related to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis within the Borough of Cheshire East.

Each of the three predecessor district Councils had made resolutions to adopt sections 14 – 17 of the 1982 Act. Re-adoption of the legislation would consolidate the three previous resolutions into one resolution,

providing consistency and ensuring certainty in any enforcement action taken under the legislation.

RESOLVED - That it be recommended to Council

- (a) That sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011; and that section 15 of the 1982 Act shall apply within the Borough of Cheshire East to all of the descriptions of persons within sub-section 15(1), i.e. persons carrying on the business of tattooing, of semi-permanent skin-colouring, of cosmetic piercing, or of electrolysis; and
- (b) That the Borough Solicitor, or officer acting on her behalf, be authorised to publish notice of the above resolution in accordance with statutory requirements.

11 RE-ADOPTION OF SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING

The Committee considered a report regarding a proposal to re-adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Cheshire East.

Each of the three predecessor district Councils had made resolutions to adopt Schedule 4 of the 1982 Act. Re-adoption of the legislation would consolidate the three previous resolutions into one resolution, providing clarity for the future and ensuring certainty in any enforcement action taken under the legislation.

RESOLVED - That it be recommended to Council that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted and shall apply to the Borough of Cheshire East with effect from 1 December 2011.

12 HACKNEY CARRIAGE VEHICLE CONDITIONS

The Committee considered a report regarding proposed hackney carriage vehicle conditions and hackney carriage vehicle test guidelines for each of the three zones.

Different hackney carriage vehicle conditions were in operation in each of the three hackney carriage zones. On 7 March 2011, the Licensing Committee had resolved that officers be requested to produce a draft set of hackney carriage vehicle conditions to be applicable in each of the three zones and a draft set of vehicle test guidelines which reflected the requirements of the draft conditions.

RESOLVED

- (a) That, subject to consultation, the draft hackney carriage vehicle conditions attached as Appendix D to the report be approved to apply in each of the three hackney carriage zones, subject to the inclusion of the following conditions:
- 1.3 All vehicles presented for a new hackney carriage vehicle licence shall be purpose-built wheelchair accessible vehicles.
 - 1.4 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a minimum of four passenger seats and shall be finished in a production colour of the manufacturer for the model.
 - 2.5 The vehicle shall not be fitted with a tow bar.
 - 2.7 All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
 - 4.2 Vehicles which are over seven years old shall be tested every six months. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the Vehicle Registration Document (form V5) unless the vehicle was not new at the date of first registration in the UK.
- (b) That, subject to consultation, the vehicle test guidelines in relation to hackney carriage vehicles attached as Appendix F to the report be approved, subject to '(could be carried in the boot area)' being deleted from the guidelines in relation to fire extinguishers (point 56).
- (c) That officers be authorised to carry out a consultation exercise in relation to the draft conditions and vehicle test guidelines.
- (d) That, if no objections are received within the consultation period, or if any objections that are received are withdrawn, the conditions and vehicle test guidelines will come into operation in each of the three zones on the day after the last day of the consultation period; and that it be noted that if objections are received and not withdrawn, these will be reported to a future meeting of the Licensing Committee for consideration.

13 PRIVATE HIRE VEHICLE CONDITIONS

The Committee considered a report regarding the existing private hire vehicle conditions, which had been approved on 13 March 2009 and had been in operation across the Borough of Cheshire East since 1 April 2009, apart from a subsequent minor amendment to condition 1.5. The report also outlined options for the review of certain of the conditions, in response to representations which had been received from the trade.

RESOLVED

- (a) That the existing position with respect to tow bars within condition 2.5 be maintained and that tow bars continue to be expressly prohibited, thereby preventing the use of trailers with private hire vehicles;
- (b) That there be no amendment to condition 4.2, and that vehicles over seven years old continue to be tested every six months;
- (c) That, subject to consultation, condition 2.7 of the private hire vehicle conditions be deleted and replaced with: 'All glazing shall comply with the Road Vehicles (Construction and Use) Regulations 1986 (as amended).'
- (d) That, subject to consultation, the vehicle test guidelines in relation to private hire vehicles attached as Appendix C to the report be approved.
- (e) That officers be authorised to carry out a consultation exercise in relation to the proposed amendment to the conditions and in relation to the accompanying vehicle test guidelines.
- (f) That, if no objections are received within the consultation period, or if any objections that are received are withdrawn, the amended condition and vehicle test guidelines will come into operation throughout the Borough on the day after the last day of the consultation period; and that it be noted that if objections are received and not withdrawn, these will be reported to a future meeting of the Licensing Committee for consideration.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor P Whiteley (Chairman)