

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 5th November, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors C Andrew, Rhoda Bailey, D Bebbington, H Davenport, I Faseyi,
M Parsons, M Sherratt and L Smetham

OFFICERS IN ATTENDANCE

Miss K Evans, Licensing Team Leader
Ms R Thorpe, Solicitor
Mrs J Zientek, Democratic Services Officer

Apologies

Councillors M Hardy, A Harewood, D Mahon and G Wait

Apologies due to Council Business

Councillor L Gilbert

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 PUBLIC SPEAKING TIME/OPEN SESSION

Mrs Amir-Hekmat, representing Make Wilmslow Matter, spoke with respect to a letter that had been sent to all Members of the Licensing Committee prior to the meeting. Wilmslow Town Council and local residents felt that a sexual entertainment venue in Wilmslow that had recently been granted a licence was in an inappropriate location. Members were requested to consider refusing a future application to renew the licence, on the grounds that the premises was having a negative impact on the character of the locality. Members were also requested to consider placing a figure of zero on the number of Sexual Entertainment Venues which are appropriate in any locality within the Council's Administrative area.

16 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 16 July 2012 be approved as a correct record and signed by the Chairman.

17 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meetings held on 11 July 2012 and 21 August 2012 and the General Licensing Sub-Committee meetings held on 17 August 2012, 17 September 2012 and 26 September 2012 be received.

18 REVISED STATEMENT OF GAMBLING PRINCIPLES

The Committee considered a report regarding a proposed revised Statement of Gambling Principles, which the Council was required to publish by 31 January 2013.

A consultation exercise with stakeholders had been undertaken, and three responses had been received confirming that the organisations they represented had no comments to make.

The Sustainable Communities Scrutiny Committee had considered the revised Statement of Gambling Principles on 25 October 2012, and the minutes setting out Members' comments were tabled at the meeting. The Licensing Team Leader explained that no action could be taken in respect of the definition of responsible authorities and the procedure for requests for reviews of premises licences, which were set out in the relevant legislation. In addition, noise leakage could not be covered by a licence condition, as the licensing objectives did not include public nuisance, and the provision of information leaflets and helpline numbers to protect vulnerable persons was covered by the mandatory conditions from the Gambling Commission. Licensing Committee Members noted that there was no capacity in the Licensing section for test purchases to be undertaken, and that all Members were already notified of applications received. The comment that reviews and applications should be considered by the full Licensing Committee was noted, but Members considered that the current arrangements were satisfactory.

RESOLVED – That the content of the Revised Statement of Gambling Principles, as set out in appendix A to the report, be supported, subject to the eighth bullet point in paragraph 10.5.4 being amended to read 'Self-barring schemes'.

19 HACKNEY CARRIAGE TABLE OF FARES - UPDATE

The Committee considered a report regarding a proposed variation to the current table of fares in each Hackney Carriage Zone.

The Licensing section had undertaken consultation with the licensed trade in the Macclesfield and Congleton zones, the licensed trade in the Crewe and Nantwich zone having chosen not to engage in the process. Agreement had been reached on the structure of the revised Table of Fares, but there had been no agreement on the harmonisation of the flag/first mile rate.

RESOLVED

- (a) That the Cabinet Member for Communities and Regulatory Services be recommended to approve for further consultation the agreed structure with a flag/first mile rate of £3.50 and Tariff 2 set at the flag rate plus 20%;
- (b) That, in view of the extensive consultation that had already been undertaken, the Cabinet Member for Communities and Regulatory Services be recommended to approve a reduction in the consultation period to six weeks.

**20 A REVISED CONVICTIONS POLICY FOR HACKNEY CARRIAGE/
PRIVATE HIRE DRIVERS**

The Committee considered a report regarding a proposed revised convictions policy for hackney carriage/private hire drivers.

The Council's current convictions policy had been adopted in 2009 following Local Government Reorganisation and only minor subsequent amendments had been made. It was necessary to revise the policy in order to reflect changes in legislation and include reference to certain types of offences which had increasingly been appearing on applications.

RESOLVED

- (a) That, with respect to Indecency Offences, the references to time periods be amended as follows:
 - 3 years to 5 years
 - 5 years to 10 years
 - 10 years to 20 years;
- (b) That the Licensing Team Leader be requested to consider broadening the scope of the first sentence of the paragraph relating to Drunkenness With a Motor Vehicle;
- (c) That 'Binding Order' in the first sentence of the paragraph relating to Other Sanctions be amended to read 'Binding Over Order';
- (d) That the Licensing Team Leader be authorised to undertake formal consultation on the proposed amendments to the convictions policy for hackney carriage/private hire drivers;
- (e) That the results of the consultation be reported to a future meeting of the Licensing Committee for consideration prior to adoption.

21 AMENDMENTS TO THE LICENSING COMMITTEE SCHEME OF DELEGATION

The Committee considered a report regarding proposed amendments to the Licensing Committee Scheme of Delegation.

RESOLVED – That the following amendments to the Licensing Committee Scheme of Delegation be approved:

- (i) That Officers be given delegated authority to refuse applications for Joint Driver Hackney Carriage/Private Hire Licences where the applicant does not have or cannot establish that they have the right to work in the UK;
- (ii) That Officers be given delegated authority to review, update and amend the driver knowledge test, including the consideration and implementation of an appropriate numeracy/language skills test;
- (iii) That a full review of the current scheme of delegations be undertaken and that the details of the review and any subsequent proposals are presented to a future meeting of the Licensing Committee.

The meeting commenced at 2.00 pm and concluded at 3.55 pm

Councillor P Whiteley (Chairman)