

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Wednesday, 14th January, 2009 at The Capesthorpe Room
Town Hall, Macclesfield SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)
Councillor D Bebbington (Vice-Chairman)

Councillors Mrs R Bailey, G Baxendale, T Beard, H Davenport, B Dykes,
Mrs E Gilliland, J Goddard, M Hardy, A Ranfield and Mrs C Tomlinson

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L Gilbert and
M Parsons.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

The Committee noted that Licensing was a quasi-judicial committee, and that provision was already made for members of the public to speak at meetings. In addition, parties who were not happy with the decision of the Committee in relation to applications had a right of appeal against such decisions to the Magistrates Court.

RESOLVED – That the Governance and Constitution Committee be requested to consider an amendment to Procedure Rule 35 of the Constitution, to waive the provision for members of the public to ask questions at meetings of the Licensing Committee.

15 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 December 2008 be confirmed as a correct record, subject to the amendment of minute 7(a) to read: 'That Sub-Committees consisting of three Members of the Licensing Committee be established to deal with matters under the Licensing Act 2003 and the Gambling Act 2005, and that the quorum of such Sub-Committees be three.'

16 PRIVATE HIRE VEHICLE LICENSING

The Committee considered a report relating to proposed licence conditions for vehicles to be licensed as private hire vehicles from 1 April 2009.

The proposed conditions had been drawn from the conditions currently in force at one or more of the three constituent authorities of Cheshire East and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of private hire vehicle licences at Crewe and Nantwich, Congleton and Macclesfield, the result of which would be reported to a future meeting of the Committee.

The Principal Licensing Officer reported that condition 9.1viii had been amended to read: 'when the taximeter is brought into action the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than that permitted by the *private hire operator's tariff of fares approved by the Council*.'

RESOLVED - That the proposed private hire vehicle licence conditions be approved for the purpose of a consultation exercise with the private hire trade.

17 PRIVATE HIRE VEHICLE OPERATOR LICENSING

The Committee considered a report relating to proposed licence conditions for operators of private hire vehicles from 1 April 2009.

The proposed conditions had been drawn from the conditions currently in force at one or more of the three constituent authorities of Cheshire East and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of operator licences at Crewe and Nantwich, Congleton and Macclesfield, the result of which would be reported to a future meeting of the Committee.

RESOLVED - That the proposed private hire vehicle operator licence conditions be approved for the purpose of a consultation exercise with the private hire trade.

18 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS' LICENCE CONDITIONS

The Committee considered a report relating to proposed conditions for Hackney Carriage and Private Hire Drivers Licenses from 1 April 2009.

The proposed conditions had been drawn from those currently in force in the three constituent authorities of Cheshire East and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of Hackney Carriage and Private Hire Drivers Licences in the three districts, the result of which would be reported to a future meeting of the Committee.

RESOLVED – That the proposed hackney carriage/private hire driver's licence conditions be approved for the purpose of a consultation exercise with the holders of current hackney carriage and private hire drivers' licences.

19 HACKNEY CARRIAGE ZONING

The Committee considered a report relating to the transfer of the hackney carriage licensing function of each existing authority into the new authority.

There was insufficient time for the research and consultation necessary for the harmonisation of all matters in relation to hackney carriage licensing to take place before vesting day. It was therefore proposed that no action be taken, thereby allowing the automatic creation of hackney carriage zones. The varying tariffs, byelaws, vehicle conditions and licensing policies of the three former authorities would continue to have effect within the zones until the new authority was in a position to replace them with common Cheshire East tariffs, byelaws, conditions and policies.

RESOLVED

- (a) That the course of taking no action at this time be adopted, thereby allowing the creation of hackney carriage zones on vesting day.
- (b) That the Head of Licensing, Cheshire East Council, be requested to undertake a thorough review of the hackney carriage licensing function in the first year of the new authority.

20 LICENSING OF SEX ESTABLISHMENTS

The Committee considered a report relating to proposed conditions for sex shop licences from 1 April 2009.

The proposed conditions had been drawn from the conditions currently in force in the Boroughs of Macclesfield and Crewe and Nantwich and had been chosen to reflect the best of the current practices from those authorities.

It was proposed to hold a six week consultation exercise with the existing holders of sex shop licences at Crewe and Nantwich and Macclesfield,

the result of which would be reported to a future meeting of the Committee.

RESOLVED – That the proposed sex shop licence conditions be approved for the purpose of a consultation exercise with the holders of current sex shop licences.

The meeting commenced at 2.00 pm and concluded at 2.45 pm

Councillor P Whiteley (Chairman)