

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Tuesday, 16th July, 2013 at Committee Suite 1 & 2, 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, M Hardy,
A Harewood, D Mahon, M Parsons, M Sherratt and L Smetham

OFFICERS IN ATTENDANCE

Fiona Crane, Lawyer
Kim Evans, Licensing Team Leader
Aoife Ryan, Lawyer
Julie Zientek, Democratic Services Officer

Apologies

Councillors Rhoda Bailey and G Wait

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 23 May 2013 be approved as a correct record and signed by the Chairman.

10 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meeting held on 24 May 2013 and the General Licensing Sub-Committee meeting held on 3 June 2013 be received.

11 DRAFT STREET TRADING POLICY

The Committee considered a report regarding a proposed Borough-wide Street Trading Policy.

Following consideration of the draft policy at the Licensing Committee meeting on 14 January 2013, consultation had been undertaken but no responses had been received.

RESOLVED – That the Street Trading Policy as set out in the appendices to the report be adopted with immediate effect, subject to the word ‘Constable’ being replaced with ‘police officer’ in the tenth bullet point of Appendix C (Street Trading Consent – Conditions).

12 PENALTY POINTS SYSTEM FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee considered a report regarding a proposed Hackney Carriage and Private Hire Licensing Penalty Points Policy.

Following consideration of the draft policy at the Licensing Committee meeting on 14 January 2013, consultation had been undertaken and a number of responses had been received.

RESOLVED

- (a) That the Hackney Carriage and Private Hire Licensing Penalty Points Policy as set out in the appendices to the report be approved, subject to the following amendments to the list of offences, breaches and misdemeanours (Appendix A) and the penalty points form (Appendix B):
 - That the words ‘or disrespectful behaviour’ be deleted from offence 34.
 - That offence 54 be amended to read: ‘Obstructing an authorised officer or police officer’
- (b) That the Hackney Carriage and Private Hire Licensing Penalty Points Policy be applied to all licence holders with effect from 1 September 2013.

13 REVISED CONVICTIONS POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Committee considered a report regarding a proposed revised policy in relation to the suitability of applicants and licence holders where relevant information may give cause for concern.

Following consideration of the draft policy at the Licensing Committee meeting on 5 November 2012, consultation had been undertaken and a number of responses had been received.

RESOLVED

- (a) That the Convictions Policy for Hackney Carriage and Private Hire Drivers as set out in Appendix 1 to the report be adopted, subject to the following amended wording:

Proven Complaints of rude or aggressive Behaviour

In less serious cases a written warning of future conduct may be given. However, if the nature or level of aggression leads the Licensing Authority to be concerned about public safety, this may result in the refusal to renew, suspension, or revocation of a licence.

In all other cases where an alleged offence has been committed and not listed within this Policy, the Licensing Authority will deal with each case on its own merit.

Foreign Offences

Offences from any jurisdiction outside the United Kingdom of Great Britain and Northern Ireland must be declared in full. For applicants not of British Nationality a Certificate of Good Conduct/Behaviour must be provided from their Country of Origin. For applicants who have not lived in the UK for any part of the previous 5 years, a Certificate of Good Behaviour must be provided from all countries in which they have lived.

The Licensing Authority will deal with foreign offences in a similar way to comparable offences under UK law.

- (b) That the Convictions Policy for Hackney Carriage and Private Hire Drivers be applied to all new applicants and to existing licensed drivers in respect of any convictions/ endorsements etc which have not previously been considered.

14 STATEMENT OF LICENSING POLICY REVIEW

The Committee considered a report regarding a draft revised Statement of Licensing Policy.

The Council was required to review its existing statement of Licensing Policy and publish a revised version by no later than 31 January 2014.

RESOLVED

- (a) That the Cabinet Member for Communities and Regulatory Services be recommended to approve for consultation the draft revised Statement of Licensing Policy as set out in Appendix 1 to the report.
- (b) That officers be requested to consider including the local safeguarding adults board in the list of agencies being consulted.

The meeting commenced at 2.00 pm and concluded at 2.40 pm

Councillor P Whiteley (Chairman)