

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Friday, 22nd May, 2009 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rachel Bailey, Rhoda Bailey, G Baxendale, T Beard, B Dykes,
L Gilbert, E Gilliland, J Goddard, A Ranfield, C Tomlinson and M Hardy

APOLOGIES

Councillors H Davenport and M Parsons

50 DECLARATIONS OF INTEREST

No Member present made any declaration of interest in the business of the meeting.

51 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, Mr Fidler indicated that he wished to address the Committee on behalf of the traders. The Chairman agreed to take his comments under agenda item 7 (Fees and Charges).

52 MINUTES OF PREVIOUS MEETINGS

Subject to the following amendment to the second sentence of Minute 46 (Taxi Licensing – Convictions Policy) in the Minutes of the meeting held on 30th March 2009 i.e.

The phrase *'threatening or abusive violent behaviour'* to be replaced with *'threatening or abusive language or behaviour'* -

RESOLVED: That the Minutes of the meetings held on 30 March and 5 May 2009 respectively be approved as correct records.

53 MINUTES OF LICENSING SUB-COMMITTEE

RESOLVED: That the Minutes of the Sub Committee meeting held on 29 April 2009 be approved as a correct record.

54 DELEGATION OF FUNCTIONS (EXPEDITED REVIEWS)

In accordance with the Licensing Act 2003, certain functions falling under the remit of the Licensing Committee could be delegated to a Licensing Sub Committee; the power of referral to the parent committee being retained by the Chairman and Vice Chairman. On the 19 December 2008, the Committee had resolved to delegate the majority of its functions under the 2003 Act to a Sub-Committee of three Members; however two functions were omitted namely –

- a) Determination of interim steps pending summary review [Sections 53A(2) (a) or 53B]; and
- b) Any function under Section 53C [review following review notice] in a case where relevant representations [within the meaning of Section 53C(7)] have been made.

To ensure reviews could be dealt with expeditiously, the Committee was invited to delegate the above powers to the Sub Committee.

RESOLVED: That the following functions be delegated to the Licensing Sub Committee established under the Licensing Act 2003, subject to the proviso that the Chairman or Vice Chairman of the full Committee has the discretion to refer matters to the full Licensing Committee if the item is particular significant or controversial in nature -

- a) Determination of interim steps pending summary review [Sections 53A(2) (a) or 53B]; and
- b) Any function under Section 53C [review following review notice] in a case where relevant representations [within the meaning of Section 53C(7)] have been made.

55 FEES AND CHARGES

The Committee had considered, on previous occasions, a schedule of fees and charges for 2009/2010 which would apply to Hackney Carriage and Private Hire Vehicles. Following statutory consultation periods, a number of representations had been received which had been considered by the Committee and had resulted in revisions to the schedule.

Appendix J (attached to the report) provided a summary of the proposed harmonised fees. For the avoidance of doubt, Mrs Khan advised Members that the Appendix constituted a 'new' proposal and as such, the fees would be subject to a further consultation exercise. Due to the need for a notice to be placed in local newspapers for a twenty eight day consultation period, the date of implementation (subject to any consultation responses received) would be 6 July 2009 rather than 19 June as set out in the report.

Further to Minute No. 51, Mr Fidler was invited to address the Committee. He began by stating that, in the views of the traders, the methodology applied to the calculation of fees was flawed and would result in inequalities across the three areas of Congleton, Crewe and Nantwich and Macclesfield. He drew particular attention to the fact that the fees currently included the cost of MOT testing for Macclesfield drivers; a cost which was borne separately by those operating in Crewe and Nantwich and Congleton.

Mr Fidler also sought clarification on whether there would be an opportunity to make representations on the revised fees and charges or whether the decision of the Committee today would constitute a binding agreement. In response, Members were advised that whilst it would be lawful (under the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976) for the Committee to make a decision at the meeting, it was equally lawful, if the Committee decided to resolve (i) not to implement the original proposals on fees; and (ii) to carry out a consultation exercise on the new proposals.

Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 provided that the authority may set fees in relation to drivers' licences which it '*considered reasonable with a view to recovering the costs of issue and administration of such licences*'. Mr Potts and Mr Rennie commented on the method of calculation, stating that until the administrative support structure had been finalised and costed, the outturn figure for 2008/2009 had been applied. It was anticipated that costs savings would be achieved by the end of the financial year when further data became available.

Having heard the representations and the responses from officers, the Committee

RESOLVED: That

- a) The scales of fees and charges published in February 2009 not be implemented; and
- b) the proposed fees to be charged by Cheshire East Council in relation to the licensing of Hackney Carriage Vehicles and drivers and Private Hire Vehicles, Drivers and operators set out in Appendix J of the report be subject to consultation, and if no representations are received, be implemented with effect from 6th July 2009.

56 REVIEW OF PREMISES LICENCE - WHITE HORSE, PILLORY STREET, NANTWICH

In attendance:

Mr G Hodgson	Ford and Warren Solicitors, on behalf of the Premises Licence Holder, Punch Taverns
Ms A Jackson	licensing/Enforcement Officer, Cheshire East Council
Mr D Smethurst	Police Licensing Officer

Due to an incident which had occurred on 25th April 2009 and in accordance with Section 53A of the Licensing Act 2003, the Committee had held an interim hearing on 29th April 2009 to consider the Premises Licence for the White Horse Public House, Pillory Street, Nantwich. Having heard the views of the various parties in attendance at the meeting, the Committee agreed to impose a number of conditions on the licence.

Subsequent to this, the Premises Licence Holder submitted further representations to the Council, which resulting in an interim steps hearing being convened on 5 May 2009 in accordance with Section 53B of the Licensing Act 2003; the outcome of which was the revision of the conditions imposed.

As a result of the hearings being called, there was now a requirement for a full review of the licence to be heard and the Committee was invited to consider the application. Mrs Khan summarised the position for the Committee, drawing Members' attention to the relevant paragraphs of the Licensing Act and the previous decisions made in relation to the White Horse which had been set out in Appendices A to D. The Police Licensing Officer stated that since the event on 25th April 2009, no further incidents had been reported at the premises.

Mr Smethurst was then invited to address the Committee. He began by explaining to Members that the usual practice (at this point in the proceedings) would be for witnesses to be brought forward but this had not been deemed necessary. Discussions had taken place with the Premises Licence Holder and an agreement had been reached between the two parties which regards to the imposition of suitable conditions to meet the licensing objectives of **the prevention of public nuisance and crime and disorder**. A list of the conditions proposed was tabled at the meeting for the benefit of Members.

The Committee questioned Mr Smethurst on matters pertaining to the history of incidents at the premises and the presence of door supervisors on specific dates in the calendar which were responded to accordingly. With regard to the conditions proposed, a Member suggested that Condition 4, which would require staff to receive training on commencement of their employment, should apply to all employees; a proposal which was acceptable to both the Police Licensing Officer and the Premises Licence Holder.

Having made their representations, the Police Licensing Officer, the Licence Holder's Solicitor and other representatives present withdrew from the meeting to allow the Committee to determine the application. Upon reaching its decision, the above parties were re-admitted to the meeting to be informed of Committee's decision.

RESOLVED:

That the following conditions be imposed on the Premises Licence in respect of The White Horse, 22 Pillory Street, Nantwich:

1. A Challenge 21 proof of age scheme shall be in operation in relation to all sales of alcohol.
2. The Designated Premises Supervisor or their representative is required to regularly attend Pub Watch meetings to ensure that people subject of Pub Watch bans are identified and where possible to take reasonable steps to ensure that those persons are excluded from the premises.
3. A minimum of two Security Industry Authority Door Supervisors are on duty at the premises every Friday and Saturday and on the Sunday preceding the Easter bank holiday Monday from 20.00 hours until the premises closes to the public.
4. All authorised staff shall receive training at the commencement of their employment so that they have an awareness of the licensing law and wider social responsibilities attached to the sale of alcohol and the conditions attached to the licence. All current staff shall also receive this training. Such authorisations and evidence of such training shall be recorded in writing.

5. CCTV should within the next 4 months be sited on the premises. The precise siting of each camera and number of cameras where possible to be agreed between the Premises Licence Holder and the Police. Such system to be maintained in working order and recordings be retained for such a period as agreed between the Premises Licence Holder and the Police.

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor P Whiteley (Chairman)