

# Licensing Committee

## Agenda

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**Date:** Monday, 8th January, 2024  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

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For requests for further information

**Contact:** Sam Jones

**Tel:** 01270 686643

**E-Mail:** [Samuel.jones@cheshireeast.gov.uk](mailto:Samuel.jones@cheshireeast.gov.uk) with any apologies

### 3. **Public Speaking Time/Open Session**

In accordance with paragraph 2.32 of the Committee Procedural Rules and Appendix 7 to the Rules a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

### 4. **Minutes of Previous Meeting** (Pages 3 - 6)

That the minutes of the meeting held on 6 March 2023 be approved as a correct record.

### 5. **Minutes of Licensing Sub-Committees** (Pages 7 - 24)

To receive the minutes of the following meetings:

#### **Licensing Act Sub-Committee**

23 February 2023  
13 April 2023  
30 June 2023  
9 August 2023  
26 October 2023  
17 November 2023

#### **General Licensing Sub-Committee**

12 October 2023

### 6. **Review of Licensing Fees and Charges Report 2024 - 2025** (Pages 25 - 32)

To review the licensing fees and charges for the issuing and renewal of licenses, consents, and permits issued by the Licensing Team with effect from April 2024.

### **THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors M Brooks, C Bulman, C Chapman, D Edwardes (Chair), H Faddes, A Gage, A Heler, C Hilliard, R Kain (Vice-Chair), J Place, J Pratt, L Smetham, J Smith and J Wray

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 6th March, 2023 in the Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor J Wray (Vice-Chair)

Councillors D Brown, S Davies, H Faddes, R Fletcher, S Handley,  
A Harewood, I Macfarlane and L Smetham

**OFFICERS IN ATTENDANCE**

Phil Jennings, Legal Services  
Sarah Sutton, Commercial Services Team Leader  
Paula Firth, Senior Enforcement Officer  
Jennifer Ashley, Democratic Services Officer

**56 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D Edwardes,  
Councillor S Pochin and Councillor N Wylie.

**57 DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**58 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no public speakers.

**59 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 9 January 2023 be approved as a  
correct record.

**60 MINUTES OF LICENSING SUB-COMMITTEES****RESOLVED:**

That the minutes of the following sub committee meetings be received:

Licensing Act Sub Committee  
6 December 2022  
12 December 2022  
9 January 2023

**61 ANNUAL REVIEW OF THE MOBILE HOMES - FEES AND CHARGES POLICY 2023 - 2024**

The committee received a report from the Commercial Services Team Leader that detailed the proposed Mobile Homes Fees and Charges Policy for 2023 – 2024. In accordance with the Mobile Homes Act 2013 (MHA13), which amended the Caravan Sites and Control of Development Act 1960, the Council is permitted to charge a fee for administering the statutory licensing function for residential caravan sites. The Fees and Charges Policy must be reviewed annually to reflect the cost of administering the licensing function.

It was reported that there would be no alteration to the proposed fees and charges for 2023 – 2024 as the caravan site licensing function is being updated to streamline services with development of updated standard site licence conditions, review of policies and procedures and integration of updated software systems. Existing charges were considered suitable to cover current service provision.

**RESOLVED:**

That the proposed Regulatory Services and Health Mobile Homes Fees and Charges Policy 2023 - 2024 as set out in Appendix 1 be approved.

**62 INTRODUCTION OF A NEW FEE POLICY FOR FIT AND PROPER PERSON (MOBILE HOMES ACT 2013)**

The committee received a report from the Senior Enforcement Officer that detailed the proposed introduction of a Fit and Proper Persons test for owners of residential mobile home sites, or their appointed manager.

In accordance with the Mobile Homes (Requirement for Manager of Site to be a Fit and Proper Person) (England) Regulations 2020 the Council is required to have a policy in place and are permitted to charge a fee for the administrative test, but in order to do so must develop and publish a fees policy which incorporates the costs involved in the assessment, determination and monitoring process.

**RESOLVED:**

- (a) That the Licensing Committee approve the new fee policy for the purpose of the Fit and Proper person assessment and determination process for implementation from 1 April 2023.
- (b) That the Licensing Committee agree that in future years, the fees for the Fit and Proper Person assessment be included in the general Mobile Homes and Fees Charges Policy.

The meeting commenced at 2.00 pm and concluded at 2.17 pm

Councillor J Wray (Vice Chair)

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 23rd February, 2023 in The Capesthorpe Room,  
Town Hall, Macclesfield SK10 1EA

**PRESENT**

Councillors D Edwardes, L Smetham and J Wray

**OFFICERS IN ATTENDANCE**

Phil Jennings, Legal Services  
Martin Kilduff, Licensing Enforcement Officer  
Jennifer Ashley, Democratic Services Officer

**ALSO PRESENT**

Joanne Sherratt, Environmental Health  
Margaret Hopley, Environmental Health  
Martin Holmes, Applicant

**45 APPOINTMENT OF CHAIR****RESOLVED:**

That Councillor D Edwardes be appointed as Chair.

**46 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**47 APPLICATION FOR A VARIATION TO A PREMISES LICENCE - THE CRAZY MOOSE, 18 LAWTON STREET, CONGLETON, CW12 1RP**

The sub-committee considered a report regarding an application for the variation of a premises licensing in respect of The Crazy Moose, 18 Lawton Road, Congleton, CW12 1RP.

The following attended the hearing and made representations with respect to the application:

- The applicant

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;

- Cheshire East Borough Council's Statement of Licensing Policy;
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them; and
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties.

The following course of action had been agreed:

**RESOLVED:**

That the application for the variation of the premises licence be granted as follows, with modified conditions:

Hours open to the public

Monday - 00.00hrs to 01.00hrs  
09.00hrs to 00.00hrs

Tuesday - 00.00hrs to 01.00hrs  
09.00hrs to 00.00hrs

Wednesday - 00.00hrs to 01.00hrs  
09.00hrs to 00.00hrs

Thursday - 00.00hrs to 01.00hrs  
09.00hrs to 00.00hrs

Friday - 00.00hrs to 01.00hrs  
09.00hrs to 00.00hrs

Saturday - 00.00hrs to 02.00hrs  
09.00hrs to 00.00hrs

Sunday - 00.00hrs to 02.00hrs  
09.00hrs to 00.00hrs

Christmas Eve - 09.00hrs to 00.00hrs

Christmas Day - 00.00hrs to 02.00hrs

Boxing Day - 21.00hrs to 00.00hrs

27th December - 00.00hrs to 02.00hrs

New Years Eve - 09.00hrs to 00.00hrs

New Years Day - 00.00hrs to 02.00hrs

A Bank Holiday Monday - 00.00hrs to 02.00hrs



09.00hrs to 00.00hrs

Tuesday following a Bank Holiday Monday - 00.00hrs to 02.00hrs

Supply of Alcohol

The supply of alcohol on and off the Premises mirrors the hours the Premises is open to the public.

Provision of Regulated Entertainment

The provision of recorded music at the Premises indoors and outdoors mirrors the hours the Premises is open to the public. Provision of anything of a similar description to live or recorded music or the performance of dance. The provision of anything of a similar description to live or recorded music or the performance of dance indoors and outdoors mirrors the hours the Premises is open to the public.

Provision of Late Night Refreshment Indoors and Outdoors

Monday - 00.00hrs to 01.00hs  
23.00hrs to 00.00hrs

Tuesday - 00.00hrs to 01.00hrs  
23.00hrs to 00.00hrs

Wednesday - 00.00hrs to 01.00hrs  
23.00hrs to 00.00hrs

Thursday - 00.00hrs to 01.00hrs  
23.00hrs to 00.00hrs

Friday - 00.00hrs to 01.00hrs  
23.00hrs to 00.00hrs

Saturday - 00.00hrs to 02.00hrs  
23.00hrs to 00.00hrs

Sunday - 00.00hrs to 02.00hrs  
23.00hrs to 00.00hrs

Christmas Eve - 23.00hrs to 00.00hrs

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New Years Eve - 23.00hrs to 00.00hrs

New Years Day - 00.00hrs to 02.00hrs

A Bank Holiday Monday - 23.00hrs to 00.00hrs

Tuesday following a Bank Holiday Monday - 00.00hrs to 02.00hrs

Modified Conditions

In Annex 3 of Premises Licence PREM1287 - Conditions attached after a hearing by the Licensing Authority - there is added the following:

- No music, whether live, recorded or of a similar description to live or recorded music or the performance of dance shall be permitted after 23.00hrs in any outdoor area at the Premises.

The meeting commenced at 10.00 am and concluded at 10.35 am

Councillor D Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 13th April, 2023 in the Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Edwardes, S Davies and I Macfarlane

### **OFFICERS IN ATTENDANCE**

Garry Coughlan, Legal Officer  
Kim Evans, Licensing Officer  
Jennifer Ashley, Democratic Services Officer

### **48 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor D Edwardes be appointed as Chair.

### **49 DECLARATIONS OF INTEREST**

There were no declarations of interest received.

### **50 APPLICATION FOR A PREMISES LICENCE - 12 OAKWOOD DRIVE, PRESTBURY, SK10 4HG**

The sub-committee considered a report regarding an application for a new premises licensing in respect of 12 Oakwood Drive, Prestbury, SK10 4HG.

The following attended the hearing and made representations with respect to the application:

- The Applicant
- Applicants Legal Representative
- Clerk for Prestbury Parish Council

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003;
- Cheshire East Borough Council's Statement of Licensing Policy;
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) and the steps appropriate to promote them; and

- All the evidence, including the oral representations made at the meeting and the written representations of interested parties.

The following course of action was agreed:

**RESOLVED:**

That the application for a new premises licence be granted as follows, with the following conditions;

- The licensing hours are as follows:  
Monday to Sunday: 09:30 – 12.30 Alcohol may be appropriated to the contract  
Monday to Sunday: 10:00 – 16.00 Alcohol already subject to a lawful sale, can be collected.
- All sales/deliveries of alcohol must be pre-ordered via telephone/Internet only and verification must be requested/obtained that the person placing and receiving the order is over 18 years of age.
- Records of all sales/deliveries shall be maintained in a log. The log shall include the name and address details of the person who has placed the order and also the name and address details of the person receiving the order and form of ID provided if relevant. These records shall be produced to the police or any other responsible authority on request.
- All sales shall be paid for prior to delivery only and a strict Challenge 25 policy shall be in use to prevent the sale or supply of alcohol to persons under 18.
- The policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card, accredited under the Proof of Age Standards (Pass), or, if a proof of age card is not available, photo driving licence or passport to prove that they are over the age of 18 years.

The meeting commenced at 10.00 am and concluded at 11.40 am

Councillor D Edwardes (Chair)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 30th June, 2023 in the The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillors M Brooks, D Edwardes and R Kain

### **OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Enforcement Officer  
Phil Jennings, Legal Officer  
Brenda Lomas, Environmental Health  
Karen Shuker Democratic Services Officer

### **1 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor D Edwardes be appointed as Chair.

### **2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR THE PREMISES KNOWN AS PUSS IN BOOTS, 198 BUXTON ROAD, MACCLESFIELD, SK10 1NR**

The Committee considered a report to determine an application to review a Premises Licence made under the Licensing Act 2003 for the Puss In Boots, 198 Buxton Road, Macclesfield, SK10 1NR.

The following attended the hearing and made representations with respect to the application:

- The applicant
- The applicants supporter
- The solicitor and the Licensing Director for the Premises Licence Holder

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that after taking account of:

- The oral and written representations made by all parties to the hearing.

- The licensing objective of the prevention of public nuisance.
- The Secretary of State's Guidance under the Licensing Act 2003 (Dec 2022).
- Cheshire East Council's Statement of Licensing Policy.

The following course of action had been agreed:

**RESOLVED:**

The application for a review of Premises Licence PR/0176 for undermining all four licensing objectives is upheld in part. Modifications to the licence conditions will be imposed to ensure the licensing objective of preventing public nuisance is upheld by the Licence Holder.

**MODIFIED CONDITIONS**

Annex 2 to Premises Licence PR/0176 is modified as follows:

Condition 9 is amended to the following:

*Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises area quietly.*

In Annex 3 to Premises Licence PR/0176 the following new conditions are imposed:

- The sale of alcohol for consumption off the Premises shall not take place after 9.00pm on any day the Premises is open to the public or available for private hire. Customers will not be permitted to take drinks out of the licensed area after 9.00pm.
- No speakers or amplifiers are to be mounted on the exterior elevations of the licensed area of the Premises.
- The following recommendations in in the Noise Impact Assessment by Hepworth Acoustics Limited dated June 2023 shall be implemented by the Licence Holder:
  - An electronic music noise limiter shall be fitted to the door within the tow path elevation of the Premises.
- The single glazed bay window within the tow path elevation of the Premises is to be fitted with a thermal double-glazed secondary glazing system.

As per the Licence Holders representations it is recommended that no amplified live music is performed until the recommendations in the NIA are implemented.

The meeting commenced at 10.00 am and concluded at 11.22 am

Councillor D Edwardes

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Wednesday, 9th August, 2023 in the Committee Suite 2, Westfields,  
Middlewich Road, Sandbach. CW11 1HZ

### **PRESENT**

Councillors R Kain, L Smetham and J Wray

### **OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Officer  
Garry Coghlan, Lawyer  
Jennifer Ashley, Democratic Services Officer

### **4 APPOINTMENT OF CHAIRMAN**

RESOLVED:

That Councillor R Kain be appointed as Chairman.

### **5 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **6 DETERMINATION OF AN OBJECTION TO A TEMPORARY EVENT NOTICE - PROPER SOUND, 8 CHESTERGATE, MACCLESFIELD, SK11 6BA**

The sub committee considered a report to determine a Temporary Event Notice, given under section 100 of the Licensing Act 2003 in respect of the premises known as Proper Sound, 8 Chestergate, Macclesfield, SK11 6BA.

The following attended the hearing and made representations in relation to the application;

The applicant

Enforcement Officers - Environmental Health

After a full hearing of the application and in accordance with the rules of procedure, and after taking account of:

The oral and written representations made by all parties to the hearing,

The licensing objective of the prevention of public nuisance

The Guidance under the Licensing Act 2003 (Dec 2022)

Cheshire East Council's Statement of Licensing Policy,

The sub committee resolved to issue a Counter Notice under section 105 of the Licensing Act 2003.

The meeting commenced at 2.00 pm and concluded at 4.15 pm

Councillor R Kain (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 26th October, 2023 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors H Faddes, R Kain and L Smetham

### **OFFICERS IN ATTENDANCE**

Tracey Billington, Licensing Enforcement Officer  
Amanda Andrews, Licensing Enforcement Officer  
Garry Coghlan, Legal Officer  
Joanne Sherratt, Environmental Health  
Karen Shuker, Democratic Services Officer  
Sam Jones, Democratic Services Officer

### **7 APPOINTMENT OF CHAIR**

#### **RESOLVED:**

That Councillor R Kain be appointed as Chair.

### **8 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **9 APPLICATION FOR A PREMISES LICENSE WHARF INN, 121 CANAL ROAD, CONGLETON, CW12 3AP**

The Committee considered a report to determine an application for a premises license Wharf Inn, 121 Canal Road, Congleton, CW12 3AP.

The following attended the hearing and made representations with respect to the application:

- The applicant
- The applicant's supporter
- The Premises Owner

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported, that after taking account of:

- The oral and written representations made by all parties to the hearing.
- The licensing objective of the prevention of public nuisance.
- The Secretary of State's Guidance under the Licensing Act 2003 (Dec 2022).

- Cheshire East Council's Statement of Licensing Policy.

The following course of action had been agreed:

**RESOLVED:**

That the application for a premises licence be granted subject to the suggested conditions set out in the Operating Schedule accompanying the application and the conditions agreed by the Applicant with Environmental Health and Cheshire Constabulary, modified by the subcommittee's additional conditions set out below and also subject to the appointment, within 14 days of a Designated Premises Supervisor and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003

**MODIFIED CONDITIONS**

Additional conditions:

- (i) The beer garden at the premises be closed for the consumption of alcohol at 10 PM every night.
- (ii) No glasses are to be allowed in the beer garden after 10 PM on any night.

The meeting commenced at 10.10 am and concluded at 11.03 am

Councillor R Kain.

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 17th November, 2023 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Edwardes, A Heler and C Bulman

### **OFFICERS IN ATTENDANCE**

Kim Evans, Licensing Enforcement Officer  
Amanda Andrews, Licensing Enforcement Officer  
Garry Coghlan, Legal Officer  
Nikki Bishop, Democratic Services Officer  
Sam Jones, Democratic Services Officer

### **10 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor D Edwardes be appointed as Chair.

### **11 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **12 APPLICATION FOR A PREMISES LICENCE - CAPRINO'S PIZZA, 161 NANTWICH ROAD, CREWE, CHESHIRE, CW2 6DF**

The Committee considered a report to determine an application for a premises license Caprino's Pizza, 161 Nantwich Road, Crewe, Cheshire, CW2 6DF.

The following attended the hearing and made representations with respect to the application:

- The applicant

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported, that after taking account of:

- The oral and written representations made by all parties to the hearing.
- The licensing objective of the prevention of public nuisance.
- The Secretary of State's Guidance under the Licensing Act 2003 (Dec 2022).
- Cheshire East Council's Statement of Licensing Policy.

The following course of action had been agreed:

**RESOLVED:**

That the application for a premises licence be **GRANTED** subject to the suggested conditions set out in the Operating Schedule accompanying the application and any mandatory conditions that must be included on the licence in accordance with the Licensing Act 2003.

The Subcommittee recommended that the Applicant should consult with Environmental Health as to the measures to be taken to abate any noise emanating from the rear of the premises.

The meeting commenced at 10.37 am and concluded at 11.08 am

Councillor D Edwardes

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Thursday, 12th October, 2023 in the Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillors D Edwardes, R Kain and L Smetham

### **OFFICERS IN ATTENDANCE**

Phil Jennings – Legal Services  
Martin Kilduff – Licensing Enforcement Officer  
Karen Shuker – Democratic Services Officer  
Sam Jones – Democratic Services Officer

### **71 APPOINTMENT OF CHAIR**

#### **RESOLVED –**

That Councillor D Edwardes be appointed as Chair for the meeting.

### **72 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Amanda Andrews, Licensing Enforcement Officer.

### **73 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **74 EXCLUSION OF THE PUBLIC AND PRESS**

#### **RESOLVED –**

That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 as amended on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

**75 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE AND CONSIDERATION OF AN APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE.**

The Sub-Committee considered a report regarding the fitness to hold a Joint Hackney Carriage/Private Hire Driver Licence and consideration of an application for the Grant of a Hackney Carriage Vehicle Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder, a licensing consultant representing the licence holder, attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chair of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

**RESOLVED –**

Following a review of the fitness to hold a joint hackney carriage drivers' licence/private hire vehicle drivers' licence, and consideration of an application for the grant of a hackney carriage vehicle licence, the Sub Committee was satisfied that the license holder remain a fit and proper person to hold a joint hackney carriage drivers' licence/private hire vehicle drivers' licence, and consideration of an application for the grant of a hackney carriage vehicle licence with Cheshire East Council be GRANTED.

The meeting commenced at 10.00 am and concluded at 12.37 pm

Councillor D Edwardes



**OPEN**

By virtue of paragraph(s) X of Part 1 Schedule 1 of the Local Government Act 1972.

**Licensing Committee****08 January 2024****Review of Licensing Fees and Charges****Report of: Peter Skates, Acting Executive Director of Place****Ward(s) Affected: All Wards****Purpose of Report**

- 1 To seek Members' approval to increase the licensing fees and charges for the issuing and renewal of licenses, consents, and permits issued by the Licensing Team with effect from April 2024.

**Executive Summary**

- 2 The Licensing Team has reviewed the fees and charges payable for applications within our remit and is proposing a number of increases as set out within appendix 1.

**RECOMMENDATIONS**

The Licensing Committee is recommended to:

1. Resolve that the fees set out in appendix 1 are approved.
2. Authorise the Licensing Team Leader to publish the Hackney Carriage and Private Hire Licensing fees in accordance with the relevant legislative provisions.
3. That delegated authority be given to the Head of Regulatory Services to consider any objections received and determine the final fees payable in consultation with the Chairman of the Licensing Committee.

**Background**

- 3 The Licensing Authority may charge a fee for the issuing or renewal of various licences for which they have a statutory duty to issue. Certain fees are set either by Statute or Regulations, but some fees can be set by Local Authorities to cover the cost of administration, compliance, and some elements of enforcement; Locally Set Fees. The Council is not able

to make a profit from licensing fees and cannot support the General Fund from licensing fees.

- 4 Where possible, the Licensing Team aims to recover operating costs. Where the Council has the discretion to set the fees, they are subject to review which can take into account operating costs, inflation, and purchase costs etc.
- 5 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) which allows a Council to set taxi licensing fees, states that the fee for vehicle and operator licences shall not exceed £25 or such other sum as the Council may from time to time determine. In the light of current costs £25 is not seen as a realistic fee to impose. The fee has not been set at this rate for a significant number of years.
- 6 In respect of vehicle and operator licences the Act states that the Council may charge such fees as may be sufficient in the aggregate to cover in whole or in part:
  - I. The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
  - II. The reasonable cost of providing Hackney Carriage stands.
  - III. Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles.
- 7 In respect of driver licences the Act states that the Council may charge, “such a fee as it considers reasonable with a view to recovering the costs of issue and administration associated with the grant of Hackney Carriage and Private Hire drivers’ licences”.
- 8 In proposing the fees for 2024/2025 we have been mindful of the current cost of living increases, the continued effect of the economy post pandemic on the licensed trade, and the increases in costs to the Council caused by current inflation rates.
- 9 In 2021/2022 the Licensing Authority did not increase fees as we acknowledged the impact that Covid lockdowns were having on the licensed trade. It was possible to use some staff cost savings (saved due to maternity leave) to mitigate the cost of any increase in budgetary demands on the Team.
- 10 In 2022/2023 the Licensing Authority increased all taxi licensing fees except the licence fee for the grant of driver licences. This was because we had seen a reduction in the number of drivers, and it was hoped that

freezing the fee would help those thinking of coming into the trade to make an application. That hope was not realised, with no significant numbers of new licenses being applied for.

- 11 A number of fees are fixed by Statute which are not referenced in this report. These relate to Licensing Act 2003 fees and Gambling Act 2005 fees (a maximum cap). It should be noted that the fees in respect of Licensing Act 2003 applications have not increased since 2005 and the fees for applications under the Gambling Act 2005 have not increased since 2007.
- 12 There are also some licences issued for which the Council cannot set a fee such as Street Collection Permits and House to House Collection Licenses.
- 13 The fees relating to street trading and sex establishments are also subject to the EU Service Directive (2006). This Directive, which has been incorporated in UK law by the Provision of Services Regulations 2009 and reaffirmed by the European Union (Withdrawal) 2018 Act confirms:
  - I. Fee charges must be proportionate to the cost of the process.
  - II. Fees cannot be used as either a deterrent or to raise funds.
  - III. Enforcement should not be included in the fees.
- 14 There are a number of cases in the Higher Courts that have set down the lawful approach to fees and fee setting. This includes the activities that can be included when calculating costs. The general principles include that the Licensing Authority cannot make a profit and must carry forward surplus; deficits can be recouped through increasing fees; only administration and issue costs can be taken into consideration; compliance with a licence or conditions etc. is compliance rather than enforcement; and costs for one type of licence can be incorporated into the fees of another. In reviewing the fees, all case law has been taken into consideration.
- 15 It is envisaged, subject to consultation and the consideration of any objections, that the increase in fees would take effect on the 1st April 2024.

## **Consultation and Engagement**

- 16 In respect of certain fees, there is a requirement to publicise any increases in a local newspaper. This allows a period for objections to be made. How this consultation takes places is set down within legislation.

- 17 Any consultation responses will be considered, and the final fee payable may be amended, but any fees would not be greater than those set out in appendix 1.

### **Reasons for Recommendations**

- 18 The Council has made provision in its Constitution for the setting of these fees to be delegated to the Licensing Committee.

### **Other Options Considered**

- 19 Consideration has been given to not increasing the fees payable. However, the costs associated with providing the service have increased and it is necessary for the service to be, so far as possible, cost neutral. This is especially important given the pressures on the Council's overall budget.
- 20 In proposing these increases we have considered whether or not it is appropriate to increase all licence fees or if some fees can be frozen. However, given the financial pressures on the Council a freeze or reduction in taxi licensing fees is not appropriate.

### **Implications and Comments**

#### *Monitoring Officer/Legal*

- 21 The Recommendations in Section 3 of this Report are supportable should the Members wish to delegate some of its fee setting functions. This will be expeditious and retain committee oversight.
- 22 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Licensing Authority to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles, and operators. The fees must be set for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 23 The statutory power to levy a fee for licensable activities such as taxi driving does not give a local authority a free hand in relation to the scale of the fee that is going to be levied. Any increase upon the livelihood of those affected by it has to be taken into account as does the scale of the increase. Members should satisfy themselves that any proposed increase in fees is proportionate to the licensing function to which it pertains.
- 24 Members should not approve an increase in licensing fees:
- I. For drivers of hackney carriages and private hire vehicles that are not reasonable to cover the cost of issue and administration.

- II. For hackney carriage and private hire vehicles and Operators that are more than sufficient in aggregate to cover the costs in Paragraph 6.4.
  - III. For street traders and sexual entertainment venues that are not proportionate to the cost of the process, and which include enforcement in the fee.
- 25 Licensing fees which are neither reasonable nor proportionate are susceptible to challenge on public law grounds by way of judicial review.

*Section 151 Officer/Finance*

- 26 Where possible, the Licensing Team aims to recover all reasonable costs. In a number of areas, statute dictates whether a fee may or may not be charged and the level of any charge.
- 27 The Licensing Team and their Lead Finance Partner carefully monitor licensing fee income through the financial year. If at any time, it were considered there would be a shortfall between income and expenditure the fees could be reconsidered and increased and, subject to notice and consultation, implemented at any time (including mid-year).

*Policy*

- 28 The fees proposed are compatible with our charging strategy.

*Equality, Diversity and Inclusion*

- 29 There are no direct equality implications. The fees are calculated on a cost recovery basis and will not disproportionately affect those with a protected characteristic. An Equality Impact Assessment has therefore not been completed as part of this process.

*Human Resources*

- 30 There are no human resource implications save to say that the cost recovery calculation will include increases in staffing costs.

*Risk Management*

- 31 If the Committee determined that no increases in fees are appropriate, this could place a financial burden on licensing budgets that may require support from the General Fund. This in turn may mean that other Teams or Services see their budgets reduced.

*Rural Communities*

- 32 As the Licensing Authority we are aware that rural communities can rely on licensed vehicles where other forms of public transport are be limited. However, the costs of using services may be prohibitive for those on low or fixed incomes.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 33 Our colleagues in Children Services have made us aware of their statutory responsibilities in ensuring children attend school, this includes using taxis to fulfil contracts. There is a lack of capacity in the market that is affecting their ability to provide that service.

*Public Health*

- 34 There are no direct implications for public health.

*Climate Change*

- 35 There are no direct implications for climate change.

<b>Access to Information</b>	
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Appendices:	Appendix 1 – Fees and Charges for 2024-2025
Background Papers:	None

Appendix 1 - Fees and Charges for 2024-2025 SCALE OF FEES AND CHARGES 2024/25	2023/2024	2024/2025	Approved By / Approval Route (Member / Member Meeting Required)	CLT Lead	Lead Officer	Justification (Basis / reason for increase, decrease, keeping price the same, not applying standard inflationary increase)	Strategy Log Ref	ASDV / CEC	Increase / Decrease on previous year £0.00p	Increase / Decrease on previous year %
Please do not filter this document. It is designed to present the prices not analyse them.	Current Charges £	Proposed Charges £								
<b>LICENSING</b>										
Proposed Fees for Cheshire East										
Hackney Carriage and Private Hire										
* Hackney Carriage - 1 year	325.00	340.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	15.00	4.62%
* Private Hire Vehicle - 1 year	325.00	340.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	15.00	4.62%
* Accident replacement vehicle 3 month licence including 1 test (new fee for 2023/2024)	175.00	175.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Hackney Carriage / Private Hire Test Fee	85.00	85.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Joint Hackney Carriage / Private Hire Driver - 3 years	115.00	120.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	4.35%
* Private Hire Operator - 5 years	400.00	420.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	20.00	5.00%
* Vehicle Re-test Fee	50.00	50.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Joint Hackney Carriage / Private Hire Driver - Renewal	135.00	140.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	3.70%
* Replacement Driver Badge	10.00	10.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Replacement Plate	10.00	10.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Replacement window sticker	5.00	5.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* DVLA Licence Check	5.00	5.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Knowledge Test	50.00	50.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Knowledge Test Remark	20.00	20.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Safeguarding Training (where there is a costs to the Licensing Authority)	50.00	50.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Transfer of Licence	45.00	50.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	11.11%
* Check and Send Service	10.00	10.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Disclosure and Barring Service (DBS) Applications	58.00	60.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	2.00	3.45%
Street Traders										
* 12 Month Consent	385.00	405.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	20.00	5.19%
6 Month Consent	250.00	265.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	15.00	6.00%
3 Month Consent	200.00	210.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	10.00	5.00%
1 Month Consent	150.00	160.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	10.00	6.67%
1 Week Consent	100.00	105.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	5.00%
1 Day Consent	50.00	55.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	5.00	10.00%
Sexual Entertainment Venues							20.0	CEC		
* New application	2,280.00	2,280.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Renewal	1,140.00	1,140.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Transfer	500.00	500.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Variation	2,280.00	2,280.00	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%
* Copy of Public Register (per entry) Licensing Act 2003	10.50	10.50	Licensing Committee	Peter Skates	Tracey Bettaney	To meet cost of service provision	20.0	CEC	0.00	0.00%

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