

# Licensing Committee Agenda

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**Date:** Monday, 19th January, 2015  
**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.

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

### **1. Apologies for Absence**

To receive 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.

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

In accordance with Procedure Rules Nos.11 and 35 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 1 - 4)

To approve the minutes of the meeting held on 8 September 2014.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 28)

To receive the minutes of the following meetings:

**Licensing Act Sub-Committee**

18 September 2014

15 October 2014

24 October 2014

**General Licensing Sub-Committee**

19 September 2014

10 October 2014

4 November 2014

19 December 2014

6. **Review of Licensing Fees and Charges for the Financial Year 2015/2016**  
(Pages 29 - 46)

To consider the proposed fees and charges for 2015/2016.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Monday, 8th September, 2014 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

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

Councillors Rhoda Bailey, I Faseyi, M Hardy, A Harewood, L Jeuda,  
D Mahon, M Parsons, L Smetham and J Wray

**Officers**

Kim Evans, Licensing Team Leader  
Peter Jones, Lawyer  
Rachel Graves, Democratic Services Officer

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors C Andrew, D Bebbington,  
S Jones and G Wait.

**2 DECLARATIONS OF INTEREST**

In relation to Item 6 – Draft Charitable Collection Policy, Councillors Hardy,  
Harewood, Parsons, Smetham, Whitley and Wray declared in the interests  
of openness that they took part in street collections for charities.

**3 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**4 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 14 January 2014 be approved as  
a correct record and signed by the Chairman.

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

That the minutes of the Licensing Act Sub Committee meetings held on 10  
January 2014, 19 February 2014, 18 March 2014, 7 May 2014, 16 May  
2014, 18 July 2014 and 1 August 2014, and the General Licensing Sub  
Committee meetings held on 21 January 2014, 17 February 2014, 17

March 2014, 22 April 2014, 6 June 2014, 25 June 2014, 7 July 2014 and 20 August 2014 be received.

## **6 DRAFT CHARITABLE COLLECTION POLICY**

The Committee considered a report which sought approval of the Charitable Collections policy.

A draft Charitable Collections Policy had been compiled, having regard to the procedures and working practices used in each of the former Boroughs. The Licensing Committee, at its meeting on 23 May 2013, had considered the draft Policy and subject to minor amendments approved a final draft for consultation.

Consultation on the draft Policy was conducted over a 6 week period - 24 February 2014 to 7 April 2014, via publication on the Council's website. The Policy was also forwarded to all Town and Parish Councils by the Council's Partnerships Team, and to the Council's Event Safety Advisory Group.

One response had been received during the consultation period from a member of the public and the Council's Environmental Health Department had also responded. A response from Congleton Traders Group had been received following publication of the committee report.

The Committee considered the responses received and proposed that the paragraph 4.9 be amended to say a maximum of 1 charity or 2 under special circumstances shall be allowed to collect within any one locality on any one day.

**RESOLVED:** That

- (1) the responses to the consultation be noted; and
- (2) the Charitable Collections Policy, as set out at Appendix 1, be adopted, subject to an amendment to paragraph 4.9 changing the maximum number of permits to 1 charity or 2 under special circumstances shall be allowed to collect within any one locality on any one day. The appropriate wording of this amendment to be agreed with the Chairman of the Licensing Committee prior to publication.

## **7 DESIGNATION OF STREETS WITHIN THE BOROUGH FOR THE PURPOSES OF STREET TRADING**

The Committee considered a report which sought approval for amendments to the current designation of streets for the purpose of regulating street trading.

The Committee had previously adopted a harmonised Street Trading Policy at its meeting on 16 July 2013 and a copy of the Policy, which detailed the current designation of streets, was attached to the Appendix 2 to the Report. It was proposed that the list of designated streets for street trading be amended and Appendix 1 to the Report listed the proposed designated streets.

Once the Committee had approved the list of designated streets, it was proposed that the Licensing Team would carry out a six week consultation with the relevant stakeholders. Following completion of the consultation, a further report would be presented to the Committee giving the opportunity for consideration of the responses received, setting out the statutory process for re-designation and seeking authorisation to continue the process.

**RESOLVED:**

That the Licensing Team Leader be authorised to consult with relevant stakeholders on the draft street trading designations, as set out in Appendix 1.

The meeting commenced at 2.02 pm and concluded at 2.45 pm

Councillor P Whiteley (Chairman)

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 18th September, 2014 at The Capesthorne Room,  
Town Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and M Parsons

**OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer

Peter Jones, Lawyer

Julie Zientek, Democratic Services Officer

**11 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

**12 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**13 APPLICATION FOR A PREMISES LICENCE AT UNIT 5C, DUKES COURT, MACCLESFIELD, SK11 6NN**

The Sub-Committee considered a report regarding an application for a Premises Licence for Unit 5C, Dukes Court, Macclesfield, SK11 6NN.

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

- two representatives of Cheshire Police

The applicant was not in attendance at the hearing.

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)

- 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 a premises licence for Unit 5C, Dukes Court, Macclesfield, SK11 6NN be refused.

Members of the Sub-Committee noted that the applicant and parties who had made relevant representations would be reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 10.15 am

Councillor P Whiteley (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Wednesday, 15th October, 2014 at The Tatton Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and W S Davies

### **OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer

Peter Jones, Lawyer

Julie Zientek, Democratic Services Officer

### **14 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **15 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **16 APPLICATION TO VARY A PREMISES LICENCE - V BAR, 26 WEST STREET, CONGLETON CW12 1JR**

The Sub-Committee considered a report regarding an application for a Premises Licence for V Bar, 26 West Street, Congleton CW12 1JR.

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

- the applicant
- a local resident
- Councillor G Baxendale, Ward Councillor
- a representative of the Environmental Health Service

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)

- 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

- (a) That the application for a variation to the Premises Licence be granted, subject to the following amendments:
  - Alcohol sales will cease at 02:30 each Friday and Saturday
  - The premises will close to the public and recorded music will cease at 03:00 each Friday and Saturday
- (b) That the additional thirteen conditions proposed by Environmental Health, as set out in their consultation response in Appendix 3 of the report, be attached to the premises licence in order to prevent public nuisance especially noise nuisance
- (c) That the following additional condition be attached to the premises licence:
  - that the last entry into the V Bar is 1:00 am

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 11.05 am

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Friday, 24th October, 2014 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors D Bebbington and D Mahon

### **OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer

Sheela Dutton, Lawyer

Julie Zientek, Democratic Services Officer

### **17 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **18 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **19 APPLICATION FOR A PREMISES LICENCE - BARGAIN BOOZE, 33 HUNGERFORD ROAD, CREWE CW1 5EQ**

The Sub-Committee considered a report regarding an application for a Premises Licence for Bargain Booze, 33 Hungerford Road, Crewe CW1 5EQ.

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

- the applicant
- a solicitor representing the applicant
- a local resident
- two representatives of a nearby dental practice

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)

- 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

- (a) That the application for a premises licence be granted as applied for, subject to the start time for opening and sale of alcohol being amended to 08.00 hours daily, as volunteered by the applicant at the hearing and subject to conditions arising from the Operating Schedule.
- (b) That the following agreed conditions, proposed by the Police, be attached to the premises licence:
  1. A comprehensive CCTV system will be fitted and maintained at the premises and will continuously record images during all times that the premises are open to the public.
  2. Unedited CCTV images will be securely stored for not less than 28 days and copies made freely available to a constable or an employee of the Police upon receipt of a reasonable request.
  3. Any person who appears to be under the age of 25 will be asked to provide photographic ID to prove that they are over 18 when buying alcohol and only a photo card driving licence, passport or proof of age card bearing a 'PASS' hologram will be accepted.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

**20 APPLICATION FOR A PREMISES LICENCE - RUMBA, 18 LAWTON STREET, CONGLETON, CW12 1RP**

The Sub-Committee considered a report regarding an application for a Premises Licence for Rumba, 18 Lawton Street, Congleton, CW12 1RP.

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

- the applicant
- a representative of the applicant
- a local resident

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)
- 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

- (a) That the application for a premises licence be granted as applied for subject to the conditions arising from the Operating Schedule and subject also to the following amendments:
  1. Recorded music to take place indoors only
  2. The terminal hour for the sale of alcohol on Sunday night to be 00:00; Sunday nights preceding a Bank Holiday to be 03.00
  3. The hours premises are open to the public on Sunday night to be 00:00; Sunday nights preceding a Bank Holiday to be 03.00
  4. The terminal hour for all licensable activities on Christmas Eve and New Year's Eve to be 03.00
- (b) That the following agreed conditions, proposed by the Police and as amended by agreement at the hearing, be attached to the premises licence:
  1. The premises will operate a maximum capacity of 90 people in order to promote the Crime and Disorder licensing objective.
  2. A CCTV system consisting of not less than 8 cameras will be fitted and maintained at the premises and will continuously record whenever the premises are open to the public.
  3. Unedited images will be securely stored for a period of not less than 14 days and copies made freely available upon request to a constable or employee of the police or officer of the Licensing Authority.
  4. Every Friday, Saturday, Christmas Eve, New Year's Eve and on each Sunday which precedes a Bank Holiday Monday there will be two door supervisors on duty at the premises from 9pm and they will remain until the premises are closed and the public have cleared.
- (c) That the following agreed conditions, proposed by Environmental Health, be attached to the premises licence:
  1. Double glazing shall be installed at the Lawton Street façade.
  2. A double door lobby system shall be installed at the Lawton Street façade.
  3. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises.
  4. Whilst regulated entertainment takes place a double door system shall be in place to allow customers to access the outdoor drinking area and these doors should not be propped open.

5. All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress.
6. The use of beer gardens and outside drinking areas shall not be used for regulated entertainment.
7. There shall be no temporary or permanent speakers for the use of amplified music, speech or dance, permitted within the outside area or beer garden.
8. Thirty minutes before the end of the time permitted for the provision of regulated entertainment the, music levels shall be gradually reduced to a lower volume and tempo.
9. Customers shall be permitted to stay inside the premises whilst waiting for taxis.
10. There shall be no disposal of bottles outside the premises between the hours of 21.00 and 09.00.
11. The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that any noise emanating from the Premises is not audible at the boundary of noise sensitive properties.
12. For that purpose, regular noise assessments shall be undertaken by a competent person (either the Licensee or Manager) and steps shall be taken to reduce the level of noise where it is likely to cause a disturbance to local residents.
13. The noise assessments shall be undertaken during opening hours of the premises and when entertainment or music is occurring. A written record shall be made of those assessments in a log book, kept for that purpose and shall include: the time and date of the checks, the person making them and the results including any remedial action in order to reduce the level of noise where it is likely to cause a disturbance to local residents.
14. The Licence Holder/Designated Premises Supervisor or responsible person nominated by him in charge of the Premises shall ensure that the Premises are vacated quietly within thirty minutes of the terminal hour of the Licence, and that proper supervision of all persons leaving the Premises is provided.
15. Conspicuous notices shall be positioned at all exits from the Premises requesting patrons to make minimum noise / consideration to neighbours on leaving the premises.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 1.30 pm and concluded at 4.05 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Friday, 19th September, 2014 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors D Bebbington, D Mahon, M Parsons and L Smetham

### **Officers**

Iolanda Puzio, Legal Team Manager Places  
Kim Evans, Licensing Team Leader  
Vilma Robson, Licensing Officer  
Rachel Graves, Democratic Services Officer

### **27 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor P Whiteley be appointed Chairman for the meeting.

### **28 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **29 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **30 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 it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government 1972 and public interest would not be served in publishing the information.

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an individual.

**31 14-15/11: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 Licence.

The Licence holder and a witness attended the hearing and made representations in respect of the case.

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

**RESOLVED:**

That the Licence Holder is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence should be revoked.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**32 14-15/12: APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the application 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 application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the meeting and submitted a letter from his legal representatives requesting that the hearing be adjourned.

**RESOLVED:**

That the consideration of the application be adjourned to a future meeting.



**33 14-15/13: APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the application 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 application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the Hearing and made representatives in respect of the application.

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

**RESOLVED:**

That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be refused.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**34 14-15/16: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE AND PRIVATE HIRE OPERATOR LICENCE**

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence and Private Hire Operator 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 and Private Hire Operator Licence.

The applicant was not in attendance at the hearing.

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

**RESOLVED:**

That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence and Private Hire Operator Licence.

The Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

(The meeting adjourned for lunch from 12.20 pm to 1.00 pm)

**35 14-15/14: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver 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 attended the hearing and made representations in respect of the case.

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

**RESOLVED:**

That the Licence Holder remains at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The Sub Committee gave the applicant a warning regarding their future good behaviour.

(Councillor L Smetham left the meeting before consideration of the following item)

**36 14-15/15: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE, PRIVATE HIRE OPERATOR LICENCE AND PRIVATE HIRE VEHICLE LICENCE**

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence, Private Hire Operator Licence and Private Hire Vehicle Licence.

The Sub Committee was informed that the matters 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, Private Hire Operator Licence and Private Hire Vehicle Licence.

The Licence holder and their representative attended the hearing and made representations in relation to the case.

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

**RESOLVED:**

That the Licence Holder is a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, a Private Hire Operator Licence and Private Hire Vehicle Licence.

The meeting commenced at 9.30 am and concluded at 3.20 pm

Councillor P Whiteley (Chairman)

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Friday, 10th October, 2014 at Fred Flint Room, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors D Bebbington, I Faseyi and L Smetham

### **OFFICERS IN ATTENDANCE**

Sheela Dutton, Lawyer  
Andrew Poynton, Legal Assistant (Observer)  
Vilma Robson, Licensing Officer  
Julie Zientek, Democratic Services Officer

### **37 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **38 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor L Jeuda.

### **39 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it 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.

### **41 14-15/17: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 was not in attendance at the hearing.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, including a letter submitted by the licence holder, the following course of action had been agreed.

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the licence be revoked under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') with immediate effect (in accordance with section 61(2B) of the 1976 Act) in the interests of Public Safety.

The Sub-Committee noted that the Licence Holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 2.30 pm and concluded at 2.57 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Tuesday, 4th November, 2014 at The Tatton Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors C Andrew, A Harewood, L Jeuda and M Parsons

### **OFFICERS IN ATTENDANCE**

Sarah Baxter, Democratic Services Officer

Sheela Dutton, Lawyer

Jim Hopper, Licensing Officer

### **42 APPOINTMENT OF CHAIRMAN**

#### **RESOLVED:**

That Councillor P Whiteley be appointed Chairman for the meeting.

### **43 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **44 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **45 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 it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government 1972 and public interest would not be served in publishing the information.

Paragraph 1 – Information relating to any individual

Paragraph 2 – Information which is likely to reveal the identity of an individual.

### **46 14-15/18: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 Licence.

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 Chairman of the Sub Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

**RESOLVED:**

That the Licence Holder is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence should be revoked.

The Sub Committee noted that the Licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**47 14-15/19: APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the application 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 application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the Hearing and made representatives in respect of the application.

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

**RESOLVED:**



That the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be granted subject to the applicant first passing the Council's theory test.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**48 14-15/21: APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the application 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 application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the Hearing and made representatives in respect of the application.

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

**RESOLVED:**

That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be refused.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**49 14-15/22: APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub Committee was informed that the application 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 application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the Hearing and made representatives in respect of the application.

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

**RESOLVED:**

That the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application be granted subject to the applicant first passing the Council's theory test.

The Sub Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 1.29 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Friday, 19th December, 2014 at Committee Suite 2/3 - Westfields,  
Middlewich Road, Sandbach, CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, D Bebbington, A Harewood and L Smetham

### **OFFICERS IN ATTENDANCE**

Sheela Dutton, Lawyer  
Jim Hopper, Licensing Officer  
Julie Zientek, Democratic Services Officer

### **50 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **51 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **52 DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it 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.

### **54 14-15/23: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 and his representative attended the hearing and made representations in respect of the case.

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

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the licence be revoked.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**55 14-15/24: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 and two representatives of 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 Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that no further action be taken.

**56 14-15/25: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 was not in attendance at the hearing.

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

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the licence be revoked.

The Sub-Committee noted that the Licence Holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

57 **14-15/26: CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's 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 was not in attendance at the hearing.

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

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the licence be revoked.

The Sub-Committee noted that the Licence Holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 1.50 pm

Councillor P Whiteley (Chairman)

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## CHESHIRE EAST COUNCIL

### REPORT TO: Licensing Committee

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**Date of Meeting:** 19<sup>th</sup> January 2015  
**Report of:** Miss Kim Evans – Licensing Team Leader  
**Subject/Title:** Review of Licensing fees and charges for the financial year 2015/2016  
**Portfolio Holder:** Cllr Les Gilbert – Localism and Enforcement

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#### **1.0 Report Summary**

- 1.1 To seek Members approval to the review of the licensing fees and charges for the issuing and renewal of licenses, consents and permits issued by the Licensing Team.

#### **2.0 Recommendation**

- 2.1 That Members confirm the fees payable as set out in appendix A.

#### **3.0 Reasons for Recommendations**

- 3.1 A review of the fees payable in respect of various types of licence and permits administered and enforced by the Licensing Section has been made for the next financial period. For the fees to be lawful and levied correctly a review of all licensing fees and charges needs to be made followed by publication in a newspaper.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All Members

#### **6.0 Policy Implications**

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

#### **7.0 Financial Implications**

- 7.1 Where possible, the licensing service 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 that charge.

#### **8.0 Legal Implications**

- 8.1 Regulation 2 (6) of the Local Authorities (Functions and Responsibilities) Regulations 2000 confirms that where the issuing of any licence, permit, or consent is a Council function, the fee must also be set by the Council. The Council has made provision in its Constitution for the setting of fees to be delegated to the Licensing Committee.
- 8.2 The Licensing Act 2003 (along with all licences except those relating to taxis and gambling) are also subject to the EU Service (2006). This directive, which has been incorporated in UK law by the Provision of Services Regulations 2009, confirms:
1. Fee charges must be proportionate to the cost of the process
  2. Fees cannot be used as either a deterrent or to raise funds
  3. Enforcement should not be included in the fees
- 8.3 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.
- 8.4 In respect of vehicle and operators' 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:
- § The reasonable cost of inspecting Hackney Carriages and Private Hire vehicles to ascertain whether any such licence should be granted or renewed.
  - § The reasonable cost of providing Hackney Carriage stands
  - § Any reasonable administrative or other costs in connection with the above and with the control and supervision of Hackney Carriages and Private Hire vehicles
  - § The Act, which dates from 1976, also 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.
- 8.5 In respect of drivers' 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'.
- 8.6 Any other fees are restricted by legislation (eg Licensing Act 2003) and the Council has no power to vary such fees. There is no power to levy a fee for any Charitable Collection authorisations.
- 8.7 Additionally, there is some case law that has further developed the requirements in relation to the setting of all fees:



- § The Licensing Authority cannot make a profit and must carry forward surplus - R v Manchester CC ex parte King (1991) and R (app Simply Pleasure and Ors) v Westminster CC (2012)
- § Deficits can be recouped through increasing fees (this can be done at any time including mid year) - R v Tower Hamlets LBC ex parte Tower Hamlets Combined Traders Association (1994) and R (app Simply Pleasure and Ors) v Westminster CC (2012)
- § Only administration and issue costs can be taken into consideration - R (app Simply Pleasure and Ors) v Westminster CC (2012)
- § Compliance with a licence or conditions etc is compliance rather than enforcement - R v Associated Octel co Ltd (costs) (1996)

## **9.0 Risk Management**

- 9.1 There is a right to object to most fees set following publication of the Statutory Notices. If valid objections are received the matter would be referred back to the Members of this Committee for determination

## **10.0 Background**

- 10.1 The 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.
- 10.2 The service where possible aims to recover operating costs and where the Council has the discretion to set the fees, they are subject to review which can take into account operating costs, inflation, purchase costs etc.
- 10.3 The current Locally Set Fees have remained the same since 2011 and took account of the Council's aim to recover reasonable costs, taking into account the relevant statutory powers that fall within the remit of the service.
- 10.4 A number of fees are fixed by Statute, these are highlighted in Appendix A.
- 10.5 Fees have remained at current levels for several years and whilst the licensed trade have been affected by the economic downturn and have pressed the Council to support them by keeping costs down. The Licensing Team has been able to make efficiency savings that have alleviated most budgetary pressures. However, this has been through a reduction in staffing levels, which impacts on the level of service, to the licence holders and residents, we can provide.
- 10.6 It is intended to allow for a retest fee in respect of Hackney Carriage and Private Hire vehicles to apply. A fee of this type has not previously been charged, but an increase in the number of vehicles being licensed and a continued failure rate of approximately 50% has resulted in a budgetary pressure, which the service is unable to absorb.

- 10.7 The Licensing Authority did previously consult the Licensed Trade in relation to a retest fee. This consultation took place as part of a wide consultation process that included the changes to the driver knowledge tests, updated convictions policy, and the penalty points scheme.
- 10.8 The comments made during the consultation, which ran between March and June 2013, in relation to a retest fee are set out at appendix B.
- 10.9 It is anticipated that imposing a retest fee, which has financial implications for the vehicle proprietor, will help to drive up vehicle standards across Cheshire East. This administrative approach will also be supported by compliance checking by the Licensing Team, which will take steps to suspend vehicle licenses as appropriate.
- 10.10 The Council's conditions and the legislation impose a responsibility to ensure their vehicles are in a suitable and safe condition on the vehicle proprietor. It is therefore, essential that all licence holders ensure that regular maintenance checks are carried out on their vehicles so that vehicles pass their tests. It is not the responsibility of the Council and the residents of the Borough to subsidise the vehicle testing process when that costs is a result of poor standards within parts of the licensed trade.

#### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report author:

Name: Miss Kim Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: [kim.evans@cheshireeast.gov.uk](mailto:kim.evans@cheshireeast.gov.uk)

<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	
<b>LICENSING</b>			All licensing fees to be considered by Licensing Committee in March
<b>Proposed Fees for Cheshire East</b>			Some of the lines are set by the Government
Adult Gaming Centre Initial Application	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Annual Fee	615.00	615.00	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Application to Vary	922.00	922.00	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Application to Transfer	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Re-instatement of Licence	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Provisional Statement	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Application - Prov Statement holders	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Copy of Licence	25.00	25.00	Licensing Committee (up to a maximum set by Central Government)
Adult Gaming Centre Notification of change	50.00	50.00	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Initial Application	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Annual Fee	600.00	600.00	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Application to Vary	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Application to Transfer	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Re-instatement of Licence	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Provisional Statement	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Application - Provisional Statement holders	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Copy of licence	25.00	25.00	Licensing Committee (up to a maximum set by Central Government)
Betting Shops Notification of Change	50.00	50.00	Licensing Committee (up to a maximum set by Central Government)

<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	
Bingo Initial Application	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Bingo Annual Fee	615.00	615.00	Licensing Committee (up to a maximum set by Central Government)
Bingo Annual Fee	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Bingo Application to Vary	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Bingo Re-instatement of Licence	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Bingo Provisional Statement	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Bingo Application - Provisional Statement Holders	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Bingo Copy of Licence	25.00	25.00	Licensing Committee (up to a maximum set by Central Government)
Bingo Notification of Change	50.00	50.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Initial Application	1,025.00	1,025.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Annual Fee	615.00	615.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Application to Vary	1,025.00	1,025.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Application to transfer	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Track Betting Re-instatement of Licence	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Track Betting Provisional statement	1,025.00	1,025.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Application - Prov Statement holders	1,025.00	1,025.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Copy of Licence	25.00	25.00	Licensing Committee (up to a maximum set by Central Government)
Track Betting Notification of Change	50.00	50.00	Licensing Committee (up to a maximum set by Central Government)

<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	
Family Entertainment Centre Initial Application.	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Annual Fee	615.00	615.00	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Application to Vary	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Application to Transfer	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Re-instatement of Licence	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Provisional Statement	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Application - Prov Statement holders	922.50	922.50	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Copy of Licence	25.00	25.00	Licensing Committee (up to a maximum set by Central Government)
Family Entertainment Centre Notification of change	50.00	50.00	Licensing Committee (up to a maximum set by Central Government)
Licensed premises gaming machine permits initial appl	150.00	150.00	Licensing Committee (up to a maximum set by Central Government)
Licensed premises gaming machine permits variation	50.00	50.00	Licensing Committee (up to a maximum set by Central Government)
Licensed premises gaming machine permits annual fee	100.00	100.00	Licensing Committee (up to a maximum set by Central Government)
Temporary Use Notice (TUN)	358.75	358.75	Licensing Committee (up to a maximum set by Central Government)
Replacement Copy of TUN	25.00	25.00	Licensing Committee (up to a maximum set by Central Government)
<b>Gambling Permits - All permit fees are set statutorily:</b>			
Gambling - gaming machine permits (in alcohol licensed premises)			
New - 3 or more machines	150.00	150.00	Licensing Committee (set by legislation)
New - Max of 2 machines - one off fee	50.00	50.00	Licensing Committee (set by legislation)
Variation - 3 or more machines	100.00	100.00	Licensing Committee (set by legislation)
Transfer	25.00	25.00	Licensing Committee (set by legislation)
First annual fee - 3 or more machines	50.00	50.00	Licensing Committee (set by legislation)
Annual fee - 3 or more machines	50.00	50.00	Licensing Committee (set by legislation)

<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	
Copy of permit	15.00	15.00	Licensing Committee (set by legislation)
Change of name	25.00	25.00	Licensing Committee (set by legislation)
Gambling - gaming machine notification (in alcohol licensed premises)	50.00	50.00	Licensing Committee (set by legislation)
Gambling - gaming machine permit (in unlicensed FEC)			
New	300.00	300.00	Licensing Committee (set by legislation)
Renewal	300.00	300.00	Licensing Committee (set by legislation)
Gambling - prize gaming permit			
New	300.00	300.00	Licensing Committee (set by legislation)
Renewal	300.00	300.00	Licensing Committee (set by legislation)
Gambling - club gaming permit 10 yr duration			Licensing Committee (set by legislation)
New	200.00	200.00	Licensing Committee (set by legislation)
Renewal	200.00	200.00	Licensing Committee (set by legislation)
Annual fee	50.00	50.00	Licensing Committee (set by legislation)
Gambling - club machine permit 10 yr duration			
New	200.00	200.00	Licensing Committee (set by legislation)
Renewal	200.00	200.00	Licensing Committee (set by legislation)
Annual fee	50.00	50.00	Licensing Committee (set by legislation)
<b>Fees relating to vehicle and private hire operator licences</b>			
Hackney Carriage and Private Hire Vehicles			
Hackney Carriage - 1 year	301.00	301.00	Licensing Committee
Private Hire Vehicle - 1 year	301.00	301.00	Licensing Committee
Hackney Carriage/ Private Hire 6 month test (vehicles over 7 )	78.00	78.00	Licensing Committee
Additional tests (following late cancellation or suspension)	78.00	78.00	Licensing Committee
Joint Hackney Carriage/ Private Hire Driver - 3 years	180.00 (exc DBS)	180.00	Licensing Committee

<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	
Vehicle retest fee	Not previously levied	39.00	Licensing Committee
Discosure and Barring Checks	48.00	48.00	Licensing Committee
Private Hire Operator - 5 years	347.00	347.00	Licensing Committee
Joint Hackney Carriage / Private Hire driver - renewal	118.00 (exc DBS)	118.00	Licensing Committee
Replacement Driver Badge	15.38	15.38	Licensing Committee
Replacement Plates	20.50	20.50	Licensing Committee
Replacement window stickers	10.25	10.25	Licensing Committee
Transfer of licence	25.63	25.63	Licensing Committee
Street Traders	373.10	373.10	Licensing Committee
Sexual Entertainment Venues			
New application	2,280.00	2,280.00	Licensing Committee
Renewal	1,140.00	1,140.00	Licensing Committee
Transfer	500.00	500.00	Licensing Committee
Variation	2,280.00	2,280.00	Licensing Committee
Alcohol Licences (Statutory Fees)			
Premises			
Rateable value			
£0 to £4,300 - New	100.00	100.00	Licensing Committee (set by legislation)
- Annual Fee	70.00	70.00	Licensing Committee (set by legislation)
£4,301 to £33,000 - New	190.00	190.00	Licensing Committee (set by legislation)
- Annual Fee	180.00	180.00	Licensing Committee (set by legislation)
£33,001 to £87,000 - New	315.00	315.00	Licensing Committee (set by legislation)
- Annual Fee	295.00	295.00	Licensing Committee (set by legislation)
£87,001 to £125,000 - New	450.00	450.00	Licensing Committee (set by legislation)
- Annual Fee	320.00	320.00	Licensing Committee (set by legislation)
£125,000 + - New	635.00	635.00	Licensing Committee (set by legislation)
- Annual Fee	350.00	350.00	Licensing Committee (set by legislation)

<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	
Additional fees for exceptionally large events of a temporary nature			
Number of persons present			
5,000 - 9,999 - New	1,000.00	1,000.00	Licensing Committee (set by legislation)
- Annual Fee	500.00	500.00	Licensing Committee (set by legislation)
10,000 - 14,999 - New	2,000.00	2,000.00	Licensing Committee (set by legislation)
- Annual Fee	1,000.00	1,000.00	Licensing Committee (set by legislation)
15,000 - 19,999 - New	4,000.00	4,000.00	Licensing Committee (set by legislation)
- Annual Fee	2,000.00	2,000.00	Licensing Committee (set by legislation)
20,000 - 29,999 - New	8,000.00	8,000.00	Licensing Committee (set by legislation)
- Annual Fee	4,000.00	4,000.00	Licensing Committee (set by legislation)
30,000 - 39,999 - New	16,000.00	16,000.00	Licensing Committee (set by legislation)
- Annual Fee	8,000.00	8,000.00	Licensing Committee (set by legislation)
40,000 - 49,999 - New	24,000.00	24,000.00	Licensing Committee (set by legislation)
- Annual Fee	12,000.00	12,000.00	Licensing Committee (set by legislation)
50,000 - 59,999 - New	32,000.00	32,000.00	Licensing Committee (set by legislation)
- Annual Fee	16,000.00	16,000.00	Licensing Committee (set by legislation)
60,000 - 69,999 - New	40,000.00	40,000.00	Licensing Committee (set by legislation)
- Annual Fee	20,000.00	20,000.00	Licensing Committee (set by legislation)
70,000 - 79,999 - New	48,000.00	48,000.00	Licensing Committee (set by legislation)
- Annual Fee	24,000.00	24,000.00	Licensing Committee (set by legislation)
80,000 - 89,999 - New	56,000.00	56,000.00	Licensing Committee (set by legislation)
- Annual Fee	28,000.00	28,000.00	Licensing Committee (set by legislation)
90,000 and over - New	64,000.00	64,000.00	Licensing Committee (set by legislation)
- Annual Fee	32,000.00	32,000.00	Licensing Committee (set by legislation)
Notification of change of name or address of premises licence holder or club	10.50	10.50	Licensing Committee (set by legislation)
Application to vary to specify individual as designated premises supervisor	23.00	23.00	Licensing Committee (set by legislation)
Notification of change of address of designated premises supervisor	10.50	10.50	Licensing Committee (set by legislation)
Notification of alteration of club rules	10.50	10.50	Licensing Committee (set by legislation)
Application to transfer premises licence	23.00	23.00	Licensing Committee (set by legislation)
Interim authority notice	23.00	23.00	Licensing Committee (set by legislation)
Application for copy or summary	10.50	10.50	Licensing Committee (set by legislation)
Application for making of a provisional statement	315.00	315.00	Licensing Committee (set by legislation)



<b>SCALE OF FEES AND CHARGES 2015/2016</b>	<b>2014/2015</b>	<b>2015/2016</b>	
	<b>Current Charges £</b>	<b>Proposed Charges £</b>	<b>Approved By / Approval Route (Member / Member Meeting Required)</b>
<b>Personal</b>			
Application for grant	37.00	37.00	Licensing Committee (set by legislation)
Application for copy	10.50	10.50	Licensing Committee (set by legislation)
Notification of change of name or address	10.50	10.50	Licensing Committee (set by legislation)
<b>Temporary Event Notice</b>			
Notification of a temporary event	21.00	21.00	Licensing Committee (set by legislation)
Application for copy	10.50	10.50	Licensing Committee (set by legislation)
<b>Lottery</b>			
Grant (initial)	40.00	40.00	Licensing Committee (set by legislation)
Renewal	20.00	20.00	Licensing Committee (set by legislation)
Street Collection Permits	No Fee (restricted by Statute)	No Fee (restricted by Statute)	
House to House Collection Licenses	No Fee (restricted by Statute)	No Fee (restricted by Statute)	

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## **Consultation Responses – Vehicle retest fee**

### **Question asked:**

#### **Vehicle re-test fee**

It has become apparent that a high percentage of vehicles are being presented for test in an unsuitable condition. This means that there are a significant number of re-tests being conducted without further charge. In some instances, vehicles have been in such poor condition that several hours are spent by the testing stations dealing with these vehicles. The Licensing Authority therefore seeks views on the following:

1. A re-test fee of £45.00 payable directly to the testing station
2. If the re-test takes longer than 60 minutes a full test fee of £78.00 will be charged, payable directly to the testing station
3. If a vehicle is presented for re-test more than 14 days after the initial test, the full fee of £78.00 will be payable directly to the testing station on further testing.

It is hoped that this change will result in vehicle licence holders ensuring that their vehicles are in a suitable condition at all times. The Council is conscious that some vehicles may be being used in an unsafe or unsuitable condition and will also be taking steps to suspend vehicles licences in this instance. I must also clarify, as it appears that there are some licence holders who are not aware, that all vehicles that fail a test must pass a subsequent test.

Before a change to the fees can be made the Licensing Authority, in addition to this consultation, will be required to publish a Notice in at least one local paper. This Notice would give a further right of objection to the changes.

Consultation will be conducted for the period 18<sup>th</sup> March 2013 – 10<sup>th</sup> June 2013.

### **Responses provided:**

1. I have received your letter concerning the proposed changes. I have no comment on them.
2. Hackney Carriage and Private Hire Licensing Consultation – Thank you for your letter detailing Amendments numbered 4921 – 4926. I am in full agreement with them all.
3. Hackney Carriage and Private Hire Licensing Consultation – Thank you for your letter detailing Amendments numbered 4921 – 4926. I am in full agreement with them all.
4. Hackney Carriage and Private Hire Licensing Consultation – Thank you for your letter detailing Amendments numbered 4921 – 4926. I am in full agreement with them all.
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7. Hackney Carriage and Private Hire Licensing Consultation – Thank you for your letter detailing Amendments numbered 4921 – 4926. I am in full agreement with them all.
8. Hackney Carriage and Private Hire Licensing Consultation – Thank you for your letter detailing Amendments numbered 4921 – 4926. I am in full agreement with them all.
9. I do not believe a retest fee should be charged if a vehicle turns up in a poor state it should be refused to be tested by the testing station in the first place.

I feel that if a retest fee was introduced it would encourage testing stations to fail vehicles so they would get an extra income so I believe it should not be charged and as with a normal MOT you have a 7 day period to get repairs sorted.

I always ensure my vehicle turns up serviced and clean ready for a test (I always ensure my vehicle is clean and tidy and smelling nice for my clients)

10. I object to retest fees for vehicles that fail Taxi/private hire test, it would seem to me that any garage would be encouraged to fail vehicles because there would be a cash incentive, although I have had a few failures the retest has never been more than 5 mins as they only retest the items that have failed, if you take any car for an MOT there is no retest fee as long as you do the retest within 14 days.
11. I would like to comment on the proposal to introduce a re-test fee for Private Hire Vehicles. At the moment the council test for a Private Hire Vehicle is a lot more stringent than a standard MOT test, therefore when we have a mechanic perform a pre MOT test to prepare our Vehicle for the Council test he can only perform to the transport guidelines, so sometimes the Council tester will not pass something which by Ministry of Transport standards will pass. How we can judge that is almost impossible without the Council offering its own Pre-MOT Test. I am against a test which overrules the Ministry of Transport's set guidelines but can understand the need for safe Vehicles, maybe a new test should be offered when a vehicle exceeds maybe a set mileage instead of the yearly Test.
12. I am very surprised you are suggesting a fee to re-testing a vehicle. The annual fee has increased from £200 to £301 in the few years you have been in control at a time when all businesses have been struggling to make ends meet. A further charge is not justifiable when you consider the following:

I am forced to use Poole Street MOT centre because my vehicle was originally licensed by Macclesfield Borough Council.

I have been a taxi driver for 14 years. I have always looked after my vehicles to a high standard. For the first 6 years my taxi passed the test with no need for a retest. The Poole Street test centre from this time has failed my vehicles on very minor points which could have been covered by a recommendation. I now wait to see what needs replacing and this is why the retest has increased in number. Even if you replace parts it is easy to fail a vehicle.

I have used various Garages over the years and all have been frustrated when they are asked to replace parts, by your inspectors, which are not worn out and are safe.

When I take the vehicle for its retest they rarely check the repairs and very rarely put the vehicle in the garage, never mind on a ramp. The proposed charge is out of proportion to the amount of work they undertake on the retest.

I am surprised the Macclesfield Borough requirements of one retest was not taken up when the new Borough was created.

I suggest:

1. The annual fee included one retest which is paid by you and if a further test is required a full test fee is charged. Or
2. We removed the independent test and use the standard MOT certificate.

The second option would allow us to keep working when changing vehicles. The 10 day waiting time is unrealistic when you are trying to provide a good service to our customers.

You also need to ensure that the vehicles are passed if the parts work at the time of the test. Fail should only mean not road worthy.

If I am forced to pay a retest and the parts removed are working I would expect the council to cover all my repairs and loss of earnings.

13. In your item 5987 you say you propose to charge a retest fee. Are we not already paying far over the odds at present when a MOT costs on average £45.00 with no retest fee within 7 days and this is all the pass off is with a small admin to make up plates can you please give a breakdown of your current charges and explain how you come up with these unplausable figures surely if you cant see this as anything other than a rip off way to subsidise failings it is time to outsource to other VOSA approved centres and stop driving us into the ground?
14. In your item 5987 you say you propose to charge a retest fee. Are we not already paying far over the odds at present when a MOT costs on average £45.00 with no retest fee within 7 days and this is all the pass off is with a small admin to make up plates can you please give a breakdown of your current charges and explain how you come up with these unplausable figures surely if you cant see this as anything other than a rip off way to subsidise

failings it is time to outsource to other VOSA approved centres and stop driving us into the ground?

15. In your item 5987 you say you propose to charge a retest fee. Are we not already paying far over the odds at present when a MOT costs on average £45.00 with no retest fee within 7 days and this is all the pass off is with a small admin to make up plates can you please give a breakdown of your current charges and explain how you come up with these unplausable figures surely if you cant see this as anything other than a rip off way to subsidise failings it is time to outsource to other VOSA approved centres and stop driving us into the ground?

**16. Vehicle re-test fee**

With respect to the above I firmly disagree with the proposal for the following reasons:-

By implementing a retest fee (or fine) for failed vehicles is a conflict of interest on the Councils behalf. If this proposal was accepted then it could be seen that vehicles could be failed intentionally as a way of increasing revenue for the Council. At present the rules allow for up to five separate failures before a full re-test is required along with the subsequent fee. If this proposal was to be approved then it would be possible for the Council to charge additional fees for failures arising from unpreventable faults such as:-

- a number plate bulb failure which could happen on or before the test. The £1.50 bulb replacement would then incur an additional retest fee of the £45.00.
- current testing of the “metered mile” does not account for traffic conditions. All meters when tested over the mile distance should be placed on “STOP” which is not currently the case. At present when testing meters in heavy traffic waiting time is applied to the metered test when the vehicle goes below 12mph which causes the metered mile to change ahead of the mile marker the Testing Station uses. The meter recalibration which is not necessary in these cases would cost the owner £25.00 plus the additional retest fee of £45.00.
- A split or cracked wheel bush on a vehicle is left to the discretion of the Testing Station as to whether it is deemed a failure or an advisory note. I believe all such advisories would become failures more often if the Testing Station knew they would receive additional revenue £45.00. This is obviously a conflict in interest.

It must always be assumed that a vehicle is presented for testing in a satisfactory condition and is believed by the owner to be fit for purpose. It must be assumed that the owner is not a mechanic and cannot possibly be aware of the condition of all the elements tested by the testing station. I believe that driver/owners should not be penalised for elements tested which are not visible to the owner such as exhaust emissions, under body corrosion, milometer distance calibration etc.. If a taxi is presented with bald tyres then this is unacceptable and avoidable, however, if a taxi has a cracked windscreen or a broken hand brake cable or a blown bulb that happened on

the day of the test then I don't believe the owner should have to pay additional retest fees as these incidents are unavoidable at short notice and without cancelling the test which incurs further fees. Also if vehicles are pre-tested by MOT Stations prior to Council Tests to prevent failures then this is no guarantee that the taxi will pass 100% of the time when presented to the Council Testing Station, and if it were, then this would render the Council Test a waste of time and duplication.

I think the only solution is to keep the existing test rules and where there are more than 5 failure points results in a full re-test and the subsequent fees payable. Due to the fact that re-tests should be for 1-5 failed elements then re-tests would never take more than 60 minutes to perform. Rebooking a retest is reliant on the ability to put the failure(s) right and have an available test slot at the Testing Station within 14 days which may not be possible if the Testing Station is busy or during a Bank Holiday periods.

Therefore:-

1. is unworkable and unfair.
2. should never take more than 60 minutes if existing rules are applied.
3. should be reworded to state "a re-test should be booked with the Testing Station within 14 days after the initial test".

Please remember that for some of us with vehicles 7 years old and older, we already have the additional financial cost because of the 6 monthly tests which already place a greater burden on the Testing Stations.

#### 17. **Vehicle Re-test Fee**

I fully agree with your proposals as some of the vehicles presented are only fit for the scrap heap.

As an exception may I quote what happened to me in 2011. I presented my vehicle having done a visual check before leaving home, my vehicle failed its test because a brake light bulb was not working, this bulb must have blown during the three mile trip between home and the test centre also the vehicles can be perfect when going to the test centre but with the amount of pot holes in the roads you only need to inadvertently hit one to cause minor damage.

As all the garages, both private and council owned quite rightly have to earn their own money they would not be much flexibility after all a further £45.00 is worth having especially when you multiply this by x amount of vehicles. This matter obviously needs more discussion and the garages involved included.

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