

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 25 May 2010

PRESENT: Councillor Wilson (Chair); Councillors Caswell, Conroy, Duncan, Reeve, Woods and PM Varnserry

1. APOLOGIES

Apologies were received from Councillor I Markham.

2. MINUTES

The minutes of the meeting of 3rd March 2010 were agreed as a true record and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

RESOLVED

That the persons referred to in the private part of the agenda be granted leave to address the Committee.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

The Chair reminded members of four forthcoming Sub-Committee hearings. Councillors Reeve, Wilson and Varnserry agreed to sit on the Committee on Tuesday 8th June at 10.00am. Councillors Caswell, Duncan and Reeves agreed to sit on the Committee on Tuesday 8th June at 2.00pm.

Councillor Woods had replaced Councillor Taylor on the Committee and had already received his training.

It was noted that Item 8 – Review of Criminal Record Bureau checks for Hackney/Private Hire Drivers would be heard in the public part of the agenda.

6. SEXUAL ENTERTAINMENT VENUES.(POLICING AND CRIME ACT 2009).

The Licensing Officer presented the report to the Committee and gave reference to the email received from Jacqueline Higgs. He explained that from April a change in law was introduced to give local communities a stronger say over the establishment and location of lap dancing clubs and similar establishments in their area, and Local Authorities more power to reject the application or impose conditions.

In response to a question from Councillor Woods, the Licensing Officer explained that a sex establishment could be either a cinema or shop and venues would include lap dancing clubs, pole dancing clubs and similar types of premises. The location and number of premises referred to in the report was the same as that already covered in the councils' existing policy. Venues outside the area may close as lap dancing clubs but would still retain their Premises Licence this would not be affected. Other venues would be able to

have up to 12 shows within a calendar year without being classed as licensed sex venues but would be monitored by enforcement officers. If another venue sought a license ahead of an already established venue then they would be heard at the same meeting and would have fair competition.

There was a further discussion on whether to specify Abington Square in the report and Councillor Conroy proposed for the report to be changed to reflect this. Councillor Woods seconded this; it was voted upon and lost.

Councillor Caswell commented that there was no need to change the report as the Council had powers to refuse the application on grounds of location. Councillor PM Varnsberry agreed that there was already controls in place and each application would be treated independently.

RESOLVED:

That the Committee noted the report and agreed to the recommendations set out therein.

7. REVIEW OF CRIMINAL RECORD BUREAU CHECKS FOR HACKNEY/PRIVATE HIRE DRIVERS.

The Licensing Officer presented the report to the Committee. He explained that the Department of Transport had released new guidelines for Local Authorities when determining whether, or not, a licence to drive Hackney/Private Hire vehicles should be granted and recommended conditions relating to drivers and vehicles.

In response to a question, the Licensing Officer explained that when drivers have their next Criminal Records Bureau Check (CRB) they would be able to go on the Vetting and Barring Register if they delivered children or vulnerable adults. If they were notified of any convictions, then they would go before the Committee and their license could be revoked.

Councillor Conroy suggested that taxi drivers should go through the Vetting and Barring process as it was likely that they would be picking up unaccompanied children more than once a month. The Licensing Officer advised that it was not the responsibility of the Council to carry out the check; it had to be done by the employer or operator.

Councillor Wilson suggested that the Issue of Vetting and Barring could be brought to the Committee at a later date.

Councillor Woods proposed to adopt the recommendation as set out in the report and Councillor Caswell seconded.

RESOLVED

That the report be noted and the recommendations adopted as set out therein.

8. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

9. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The driver confirmed that he had received the relevant paperwork and the Licensing Officer outlined the circumstances of the conviction set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken based on the evidence presented.

RESOLVED

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hire Driver's Licence.
2. That the Driver's Private Hire Licence be suspended for a period of four weeks following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right of appeal to Magistrates.

10. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The driver confirmed that he had received the relevant paperwork and the Licensing Officer outlined the circumstances of Mr Brawn's appearance before the Committee as set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken based on the evidence presented.

RESOLVED:

- 1) That in view of the personal circumstances of the driver, no further action would be taken.

11. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The driver confirmed that he had received the relevant paperwork and the Licensing Officer outlined the circumstances of the conviction set out in the report.

The Committee heard the representations made and reached a decision with regard to any further action to be taken based on the evidence presented.

RESOLVED

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hire Driver's Licence.
2. That the Driver's Private Hire Licence be suspended for a period of four weeks following a period of 21 days after his receipt of notification from the Licensing Authority during which time he had the right of appeal to Magistrates.

12. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The Committee heard the representations made and reached a decision with regard to the suspension or revocation of the driver's private hire licence based on the evidence presented.

RESOLVED:

1. That the driver on a balance of probability was not a fit and proper person to hold a Private Hire Driver's Licence.
2. That the Private Hire Driver's Licence be suspended for six months following a period

of 21 days during which the driver had the right of appeal to the Magistrates' Court.

13. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The driver submitted a letter to the Committee and the Licensing Officer outlined the details of the report.

The Committee heard the representations made and reached a decision with regard to the suitability of his application.

RESOLVED

- 1) That the driver on a balance of probability was not a fit and proper person to hold a Private Hire Driver's Licence and hence his application was refused.

The meeting concluded at 21.00

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