

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at
the The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE.

on Tuesday, 28 June 2011

at 6:00 pm.

**D Kennedy
Chief Executive**

AGENDA

- 1 Apologies**
- 2 Minutes** (Pages 1 - 5)
- 3 Deputations / Public Addresses**
- 4 Declarations of Interest**
- 5 Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered**
- 6 Multi Agency Checks of Hackney Carriage and Private Hire Drivers and Vehicles** (Pages 6 - 8)
- 7 Review of Criminal Record Bureau checks for Hackney/Private Hire Drivers** (Pages 9 - 11)
- 8 Licensing Authority Supporting Evidence** (Pages 12 - 32)
Contains evidence in support of items 9 through to 13. Copies were sent to all relevant parties.
- 9 Exclusion of Public and Press**
The Chair to Move:
"that the public and press be excluded from the remainder of the meeting on the grounds that there is 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."
- 10 Review of a Private Hire Drivers Licence** (Pages 33 - 44)
Contained in the full agenda only.
- 11 Review of a Private Hire Driver's Licence** (Pages 45 - 57)
Contained in the full agenda only.

12 Review of a Private Hire Driver's Licence (Pages 58 - 67)

Contained in the full agenda only.

13 Review of a Private Hire Driver's Licence (Pages 68 - 77)

Contained in the full agenda only.

14 Review of a Private Hire Driver's Licence (Pages 78 - 90)

Contained in the full agenda only.

15 Review of a Hackney Carriage Licence (Pages 91 - 100)

Contained in the full agenda only.

SUPPLEMENTARY AGENDA

Exempted Under Schedule, 12A of L.Govt Act 1972, Para No: -

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 1 March 2011

COUNCILLORS PRESENT: Councillors Capstick, Caswell, Conroy, Duncan, Lill, Reeve, Varnsberry and Woods

COUNCILLOR APOLOGIES OFFICERS: Councillor Chaudhury
Mehboob Kassam
Phillip Bayliss (Senior Licensing Officer)

FOR THE APPLICANT: Not for publication: By virtue of Paragraph 1 of part 1 of Schedule 12a of the Local Government Act 1972: *'Information relating to any individual'*.

FOR THE REPRESENTORS:

2. MINUTES

The minutes from the meeting held on 18 January 2011 were agreed as a true record and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

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

4. DECLARATIONS OF INTEREST

Councillor PM Varnsberry declared a personal and prejudicial interest in item 8 as Ward Councillor and announced that she would be leaving prior to the commencement of this item.

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

The Chair reminded members of a forthcoming Sub-Committee hearing for Far Cotton Working Men's Clubs on 16 March 2011 at 14:00.

The Chair also wished to thank the Committee for its support over the last two years, including those who continually volunteer for the Sub-Committees.

6. APPLICATION FOR SEXUAL ENTERTAINMENT VENUE LICENCE - URBAN TIGER, WELLINGBOROUGH ROAD NORTHAMPTON

The Chair introduced the Committee and welcomed everyone to the meeting.

Outline of the Application by the Licensing Officer

The Licensing Officer outlined the application by Urban Crowds Limited for a Sex Entertainment Venue Licence in respect of Urban Tiger, Wellingborough Road, Northampton and noted that there had been over 70 objections received from interested parties. He then explained the procedure for the hearing.

Application for the Premises Licence

It was explained that the Sexual Entertainment Venue Licence was a new procedure but it was confirmed that the venue had been trading with a Premises Licence for many years. It was noted that the owner was a responsible Licence holder and that his family had been running Public Houses in the area for approximately 30 years.

It was raised that this Licensing Authority had already deemed the location of the venue as appropriate for Sexual Entertainment and therefore the appropriateness of the venue should not need to be a consideration for this Sub-Committee.

She noted the genuine concerns of the objectors but stated that generic views not specifically regarding this club were, with the greatest of respect, not relevant. It was felt that objectors views concerning external advertising had been addressed in conditions, which only allow the club to use advertising material approved by this Licensing Authority.

The on road advertising would also be removed with immediate effect. The issue of 'rights' was also raised, but it was requested that is the Committee take Rights into consideration that this would also apply to the applicant, the dancers and the customers who enjoy the premises. It was noted that the Police had no objection to the application.

The Applicants witness, Aimee Albiston was confirmed as a dancer at the club for the last 2 ½ years while completing her Masters Degree at Northampton University. As a dancer for a total of 6 years Ms Albiston noted that she chose to stay at this specific venue and commented on behalf of all of the dancers that it was a nice place to work, good environment, that staff were well looked after and were all good friends who socialised together. She felt it was important to put across the views of the dancers, noting that they wanted to be there, felt safe and that there was a waiting list of girls trying to get into that venue.

Questions to the Applicant / Witness

The Applicants representative was asked about the types of advertising used by the venue in the past and raised an issue with advertising previously dealt with by this Licensing Authority. The possibility of the venue being used for an alternative use such as a bar or club was also raised.

The witness was requested to advise of the payment structure for the dancers, the employment basis and what affect closure of the venue would have on those dancers. It was noted that dancers were self-employed but as many were students or single mothers, the loss if their positions may necessitate benefit claims.

Members questioned the safety and security on the premises. It was confirmed that the dancers were well looked after with their own lockers, security cameras and having an escort to their cars.

Members questioned the links between dancing in a Sexual Entertainment Venue and prostitution. Ms Albiston did not see the link and has never witnessed or heard of this during her career.

Representation by the Representors

Objector Julie O'Bierne wished to raise the link between an increase in Sexual Entertainment venues and the increase in violence toward women. She noted that there had been statistics from areas such as Camden where the opening of venues such as this, and the sexualization and availability of women had led to a lack of respect for women culminating in an increase in violence and rape in the proximity. Her views and objection had been supported by organisations such as the Rape Crisis Centre of Northampton.

Members questioned if she had any specific statistics or evidence in regard of this club and asked if she specifically felt the venue contributed to the sexualization of women on fashion and culture could also play some part. The objector responded that it was a jigsaw effect and all issues of this nature contributed to the increase of violence towards women.

Objector Melanie Stratten as a mother of three children wished to note the appropriateness of the location in an area of the town frequented by families such as hers who felt uncomfortable with the suggestive nature of the venues advertising. She believed that the nature of the venue led to elude comments from men, making the area unsafe for women at all points of the day. The promotion of the sexual inequality was also noted as something she did not agree with or want to encourage in her son.

Objector Stephen Whiffen wished to request that if this Committee were minded to grant the Licence to note potential alterations to the licence conditions including evening only opening hours, limits on the nature and wording of advertising, restriction of full nudity in the club and adoption of a no contact and minimum 3ft distance rules.

In regard to the 3ft rule the applicant confirmed that this was fairly unenforceable due to a body not being straight up and down. It was confirmed that unintentional contact in regard to accidental contact such as hair would need to be in the conditions to protect the girls from breaking these conditions unintentionally.

The applicant also wished to note that the concern in regard to advertising was addressed in their amended conditions.

Objector Del Pickup objected due to the character of the venue and the location in proximity to the town centre, due to the location among retail premises frequented by children. In addition to this concerns were raised for the potential vulnerability of women and an unreported incident was raised where a female in a public house of close proximity was groped by a group of gentlemen that had left the Sexual Entertainment Venue and now that female does not feel safe in that area of the town.

Objector John Palethorpe as a primary teacher within a five-minute walk of the venue wished to object on the grounds of advertising and the location. As an area frequented by children he objected to the advertising and the suggestive nature of the venue. As an area with a vibrant nightlife, over excited men leaving this venue could cause problems for other women in proximity. In addition to this he objected to the nature of the venue in general and the gender inequality issues.

Issues were raised in regard to the mobile advert and the elude nature of some of the past advertisements. These issues were noted as addressed by the applicants altered conditions submitted to this Committee.

Objector Jac Higgs raised objections due to the increased effect venues such as this are having on citizens. He raised issues in regard of women being treated as sexual objects, increased violence towards women, increased demand for prostitution and due to Sexual Offences raising by 11% in this area he noted a clear connection between venues such as this and offences against women. As this Licensing Authority had duty to promote gender

equality he felt it would be inconsistent for this Committee to grant a Licence.

Members questioned the statistic provided for the increase in sexual violence. It was confirmed that this figure was not since the opening of the club but just demonstrates a trend.

The Applicant wished to note that there was no proven link between rape and Sexual Entertainment Venues.

Objector Jasmine Shadrack as a Lecturer at Northampton University wished to object to the Licence on the basis of gender inequality ideology. She noted that we were witnessing a capitalist venture in regard to Sexual Entertainment Venues who have sexually available women. She believed that the selling of women in clubs such as this promoted a false ideology with a narrow vision of femininity.

It was noted that she had no specific evidence in regard of this venue.

Objector Michael Drakes objected to the Licence by reading a statement on behalf of Mrs V Higgs, which was tabled in the agenda.

The Committee took a vote to discuss the item in private session, which was carried.

Summing up by the Applicant

Solicitor, Julia Palmer wished to sum up by noting that the discretionary grounds for refusal in this case were not applicable but that mandatory grounds such as character and use of the premises could be used. She confirmed that she had noted the concerns of objectors in regard to the area being frequented by children but it was raised that this Licensing Authority had already deemed this area to be suitable as a location of up to three Sexual Entertainment Venues. She also confirmed that the objections in regard to advertising had already been addressed in altered conditions the applicant had offered, which could also be altered further by this Committee. #

Summing up by the Representors

Stephen Whiffen summed up on behalf of the representors by reminding this committee of the potential impact on gender inequality and the location of the premises frequented by children. If the Committee were minded to grant the Licence they hoped that conditions imposed on the venue would be enforced.

The Determination

The Committee considered the application and heard all the representations by the Applicant and the objectors, and considered all the written submissions. Taking these into consideration, it was decided by a majority to grant the application for Sexual Entertainment Venue Licence in respect of Urban Tiger, Wellingborough Road, Northampton.

The Grant of the Licence was subject to the licence conditions offered by the applicant and subject to:

- Paragraph 3 - change "Council" to "Licensing Authority";
- Paragraph 5 – be amended to 21 instead of 18;
- Paragraph 10 – "particularly women" be deleted;
- Paragraph 13 and 14 – change "Council" to "Licensing Authority";
- Paragraph 15 – delete "decorum" and insert "which does not offend public decency";
- Paragraph 17 – after "installed" add "outside within the curtilage of the premises and inside the premises";

- Paragraph 25 – take out “full”; and
- Paragraph 27 – insert comma after “sex act”.

All parties have the right to appeal the Sub-Committees decision to the Magistrates Court within 21 days of the date of decision.

7. 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.

8. REVIEW OF PRIVATE HIRE DRIVERS LICENCE

The driver confirmed that he had received the relevant paperwork and confirmed that he was happy to go ahead with the hearing at this time. The Licensing Officer then outlined the circumstances for the review of the licence as set out in the report.

Not for publication: By virtue of Paragraph 1 of part 1 of Schedule 12a of the Local Government Act 1972: *'Information relating to any individual'*.
It was therefore,

RESOLVED:

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

The meeting concluded at Time Not Specified



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|---------------------------|----------------------------------|
| Name of Committee: | LICENSING |
| Meeting Date: | 28th June 2011 |
| Directorate: | Public Protection |
| Corporate Manager: | Steve Elsey |
| Agenda Status: | Public part of Agenda |

| | |
|---------------------|--|
| Report Title | Multi Agency Checks of Hackney Carriage and Private Hire Drivers and vehicles in Northampton. Drivers Induction Course. |
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1. Recommendations

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| That the report be noted |
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2. Summary

Multi Agency checks are an integral part of the Licensing Department's enforcement strategy. During the previous three months checks on vehicles used for Hackney and Private Hire work and also those used for school transport have taken place. These checks have taken place both during the day and during the evening. Daytime checks have been introduced following concerns that the vehicles used during the day have not been targeted in the past. These checks are in addition to the random checks undertaken by the Licensing Team.

3. Report Background

Of the recent checks 12th May 2011 (Daytime check) and 13th May 2011 (an Evening check) a total of 53 vehicles were examined by the Vehicle and Operators Services Agency, the Police and Licensing Enforcement officers. Drivers details were also checked by NBC Fraud Section.

Of those vehicles checked the following actions were taken:

1. 6 vehicles received Immediate Prohibitions;
2. 11 vehicles received Delayed Prohibitions;
3. 2 drivers were issued with Fixed Penalty Notices for defective tyres; and
4. 38 drivers were cautioned by Licensing Officers for breaches of Council Conditions. (A number of these drivers received multiple cautions.

Defects on vehicles included Tyres with tread below the legal limit, brake defects, lighting defects and suspension defects.

During the checks on school transport 3 drivers received cautions for minor breaches of Council Conditions. These checks are carried out to assist the County Council Enforcement Officers responsible for School Transport.

It is intended that these checks continue and members of the Licensing Committee will be informed prior to forthcoming checks to enable them to attend should they wish to do so. A number of members of the previous committee attended the checks and found it both informative and beneficial.

Induction Course

All drivers prior to being issued with a Hackney or Private Hire drivers licence have to attend the Council run Induction Course. Our own legal department have attended this course in the past and have been very complimentary with regard to its content. It also gives an insight as to the standard expected from each driver.

The previous Chair of Licensing attended the course and was of the opinion that it would be of benefit to all members of the committee and would assist them when having to make decisions with regard to Hackney/Private Hire issues.

Any member wishing to do so will be welcome to attend the course although we could only accommodate a maximum of two on each course.

The next course will be held on Friday 8th July 2011, any member wishing to attend the course can contact the licensing team to reserve their place. The courses run every six weeks dependant on the number of applicants.

3A. Any Relevant Policies

NBC Enforcement Policy

4. Options and Evaluation of Options

N/A

5. Resource Implications (including Financial Implications)

Staff availability.
Venue hire cost (where applicable).

6. Consultees (Internal and External)

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| Internal | <ul style="list-style-type: none">The Council – Licensing Enforcement Officers – re licence conditions for drivers, vehicles and testing facilities. |
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|-----------------|---|
| External | <ul style="list-style-type: none"> • The Department for Transport (VOSA) – re vehicle test; • The Northamptonshire Police – Road Policing Unit – re vehicle stop, documentation check and road traffic issues; • HM Revenue and Customs – duty free fuel; • Department of Work and Pensions (Fraudulent claims); and • Special Branch/Border Agency (Undisclosed). |
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7. Compliance Issues

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| Finance Comments |
| N/A |
| Legal Comments |
| To Ensure Safety – Protection of The Public |
| Crime and Disorder Issues |
| N/A |
| Equality Impact Assessments |
| N/A |
| Human Rights Act Implication |
| N/A |
| Other compliance Issues |
| None |

8. Background Papers

| Title | Description | Source |
|-------------------------|-------------|--------|
| Multi Agency Check File | | |

| Name | Signature | Date | Ext. |
|--------------------------|--------------|------------|------|
| Author | Mr P Bayliss | 09.06.2011 | 7099 |
| Corporate Manager | Steve Elsey | | |
| Director | Julie Seddon | | |



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|---------------------------|-------------------------------|
| Name of Committee: | LICENSING |
| Meeting Date: | 28 June 2011 |
| Directorate: | Public Protection |
| Corporate Manager: | Steve Elsey |
| Agenda Status: | Private part of Agenda |

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|---------------------|--|
| Report Title | Review of Criminal Record Bureau checks for Hackney/Private Hire Drivers. |
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1. Recommendations

That the Committee consider and determine the report and confirm that Criminal Record Bureau checks should be carried out as recommended by the Department for Transport and Criminal Records Bureau and become a Condition of being granted a Hackney/Private Hire licence.

2. Summary

In February 2010 the Department for Transport (DfT) 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. Within those guidelines is a reference to Criminal Record Bureau checks and the recommendation that checks should be carried out on first application and every three years thereafter.

This procedure was introduced by the Licensing Department when Police Checks were discontinued and has continued to the present day. It has not been included as a condition in the Condition Booklet.

3. Report Background

A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Traditionally drivers are checked on first application and every three years thereafter, this authority has always insisted on an enhanced check for all drivers. Drivers can be subject to a Standard Disclosure or to an Enhanced Disclosure, both disclosures give details of spent or unspent convictions, cautions, reprimands and final warnings.

Following further guidance from both the Department for Transport and the Criminal Record Bureau the intention is to reduce the level of check from the Enhanced Check to a Standard Check. Although this attracts a reduced fee that fee is paid directly to The Criminal Records Bureau, the Council administration fee would not be affected.

Although an Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations, the Council are not able to react to that information.

The Council adopted the Home Office Guidelines with regard to the relevance of convictions and as such has followed the recommended period, for persons with convictions, set out in those guidelines, before considering an application.

The option is always available to the Licensing Committee to revert to an Enhanced Check should the current consultation result in a change in the Guidance.

3A. Any Relevant Policies

Northampton Borough Council's Guidelines relating to the relevance of Convictions.
 Northampton Borough Council Private Hire Licensing Conditions and Guidelines.
 Northampton Borough Council Hackney Carriage, Byelaws, Conditions, Relevant Legislation & Guidelines.

4. Options and Evaluation of Options

To adopt as a Condition the guideline relating to Criminal Record Bureau checks as set out in the latest guidance issued by the Department for Transport and the Criminal Records Bureau. To reduce the level of check from the Enhanced check to a Standard check.

5. Resource Implications (including Financial Implications)

None.

6. Consultees (Internal and External)

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| Internal | Legal Department |
| External | Department for Transport (Guide for Hackney/Private Hire). Criminal record Bureau. (Guidelines with regard to Enhanced Checks). |

7. Compliance Issues

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| Finance Comments |
| None. |
| Legal Comments |
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| Crime and Disorder Issues |
| Ensure the safety of the public. |
| Equality Impact Assessments |
| None. This procedure would apply to any applicant for a Hackney/Private Hire Licence. |
| Human Rights Act Implication |
| N/A |

| Title | Description | Source |
|--------------------------|---|---------------|
| Home Office Guidelines | Relevance of Convictions | Mr P Bayliss |
| Department for Transport | Taxi and Private Hire Vehicle Licensing Best Practice Guidance | Mr P Bayliss |

| Name | Signature | Date | Ext. |
|--------------------------|------------------|-------------|-------------|
| Author | P Bayliss | 15.6.11 | 7099 |
| Corporate Manager | Steve Elsey | | |
| Director | Julie Seddon | | |

Other compliance issues

8. Background Papers



Northampton Borough Council

Greyfriars Bus Station Operating Procedures

Introduction

Northampton Borough Council (NBC) under the Directorate of Environment & Culture, Town Centre Operations Division has responsibility for the management of Greyfriars Bus Station.

The following procedures relate to all occupiers and users of the Bus Station. This includes public service vehicles and mini buses, all taxis, contractor vehicles and any other vehicles entering the Bus Station.

All users are reminded of their responsibility under the Health and Safety at Work Act 1974. All employees of the users have responsibilities for their own personal safety and a duty of care to their fellow employees and others (general public).

1. Northampton Borough Council - Management Control and Responsibility:

Responsibilities within the Bus Station are as follows:

- a. To ensure the structure and common areas are maintained to a safe standard
- b. To liaise with bus station occupiers and users and issue guidance as necessary regarding any health and safety matters as required
- c. To co-ordinate and liaise with bus station users regarding the emergency evacuation procedures
- d. To deal with any unauthorised vehicles accessing or using the Bus Station
- e. To provide a security service to ensure compliance with Northampton Borough Council's policies and deal with anti social behaviour in or around the Bus Station
- f. Call emergency services when necessary
- g. To co-ordinate and manage bi-monthly Health and Safety meetings with all bus station operators.
- h. In partnership with bus station users ensuring the safety and well being of users of the Bus Station
- i. To undertake six-monthly reviews of risk assessments and keep all bus station users informed of any significant changes.
- j. To undertake an annual review of operating procedures
- k. To maintain a clean and safe environment

2. Contact Details:

Day-to-Day Services

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|--|---------------------------------|
| Car Parks & Bus Station Supervisor (Paul Tipler) | 01604 – 637831 07715 989257 |
| Car Parks & Bus Station Team Leader (Alan Craggs) | 01604 – 838407 07825 863 441 |
| Security | 01604 - 602742 07776 161 824 |
| NBC Health & Safety Team | 01604 – 837112 |
| Stagecoach | 01604 – 601502 |
| First Bus | 01604 – 751431 |
| Shopmobility | 01604 - 233714 |
| General Maintenance | 01604 - 837863 |
| Police | 0845 3700700 |
| Fire Service | 01604 - 797000 |
| Hospital | 01604 - 634700 |
| CCTV Control Room (Emergency Only) | 01604 – 838406 |

Out of Hours Services

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|---------------------|----------------|
| General Maintenance | 01604 - 837863 |
| Dangerous Structure | 01604 - 838920 |
| Electricity | 0800 056 8090 |
| Water | 08457 145 145 |
| Gas | 0800 111 999 |

3. Operational Hours

Bus Station - Opening Hours:

Monday - Saturday 04.30 – 23.30 hours

Sunday 05.30 – 23.30 hours

NBC Staff Coverage:

Monday - Saturday 07.00 – 16.00 hours
22.00 – 07.00 hours

Sunday

Security Services Operational Hours:

Monday - Saturday 07.00 – 19.00 hours

Sunday 08.00 – 19.00 hours

Stagecoach Security:

Monday - Sunday 22.00 – 06.00 Hours

4. Bus Operators Responsibility:

Bus Operators are fully accountable and responsible for their employees, vehicles, sub contractors and any other third parties accessing the Bus Station on their behalf.

Bus Operators must ensure all third parties, working on their behalf, are provided with a copy of the operating procedures and ensure their compliance.

Bus Operators must comply with the following operating procedures:

- a. All buses and mini buses operated by Bus Operators entering the Bus Station must be maintained and comply to the appropriate statutory road safety regulations as set by VOSA (Vehicle and Operator Services Agency)
- b. Ensure no vehicle is left unattended with the engine running
- c. Ensure vehicles are left secure with keys and cash removed when unattended
- d. Ensure all vehicles are driven by suitably trained and competent employees.
- e. Ensure all employees are fit to undertake their duties.
- f. Ensure all vehicles comply with the 10 mph speed limit in and around the bus station complex.
- g. Ensure all vehicles are parked in bays allocated to the Bus Operator
- h. Ensure that passengers leave their buses at the allocated bay only
- i. Ensure bus drivers do not obstruct bus bays or bus lanes whilst parking between journeys
- j. Any bus reversing must use reversing alarms (if fitted) and / or flashing warning lights
- k. Ensure bus drivers close doors and do not allow passengers to board once the vehicle commences movement from the bay
- l. Ensure bus drivers take reasonable precautions (dipped headlights, hazard lights when reversing, compliance with speed limit) whilst moving through the Bus Station, with special attention for other moving vehicles
- m. No vehicle maintenance is allowed within the Bus Station without prior approval of NBC.
- n. All vehicle refuelling must comply with all instructions from the refuelling staff
- o. All vehicles using the bus wash must comply with all instructions from the bus wash operative

p. All bus operators must ensure their employees and contractors comply with all NBC instructions appertaining to the Bus Station, this includes but is not exhaustive of the following:

1. Smoking policy – (see appendix 1)
2. Wearing of Hi-Vis coats – (see appendix 1)
3. Wearing Personal Protective Equipment (PPE) – (see appendix 1)
4. Eating & drinking policy – see appendix 1
5. Acceptable behaviour towards the public, council employees, security employees and other users of the Bus Station – (see appendix 1)
6. Immediate reporting of accidents / incidents / near misses with a summary provided at for the bi-monthly meeting
7. Provision of any health & safety risk assessments as and when requested by Northampton Borough Council for inspection purposes (normally annually)

General Note:

All bus station users must co-operate to ensure the smooth operation of the facility to ensure the operation of their services do not conflict with other bus operator services.

No service timetables shall be adjusted without first obtaining written agreement of Northampton Borough Council.

5. Hackney Carriage, Private Hire & Mini Bus Operators Responsibility:

Hackney Carriage, Private Hire and Mini Bus Operators are responsible for their vehicles when accessing the Bus Station. Hackney Carriage and Private Hire vehicles are only permitted within the Bus Station to drop off passengers or pick up a pre-arranged fare.

Hackney Carriage and Private Hire Operators must comply with the following operating procedures:

- a. All Hackney Carriage and Private Hire vehicles and mini buses entering the Bus Station must be maintained and comply with Northampton Borough Council's Conditions of Fitness and appropriate road safety regulations.
- b. Ensure their vehicle is not left unattended with the engine running.
- c. When left unattended keys and cash are removed from the vehicle which is left secure.
- d. Ensure their vehicle is driven by a suitably trained and competent person
- e. Ensure all employees are fit to undertake their duties.
- f. Ensure their vehicles comply with the 10 mph speed limit in and around the bus station complex.
- g. Ensure their vehicles park in the allocated bay only (Bay H)
- h. Ensure their passengers leave their vehicles at the allocated bay only
- i. Ensure their vehicles do not obstruct any bus bays or bus lanes whilst dropping off or picking up a fare
- j. All Hackney Carriage and Private Hire vehicles and mini buses must use dipped headlights and flashing warning lights when driving in the Bus Station
- k. All Hackney Carriage and Private Hire vehicles and mini buses must take reasonable precautions when driving through the Bus Station and pay special attention to other moving vehicles

6. Enforcement of Operating Procedures

- a. Northampton Borough Council will use legally recognised Automatic Number Plate Recognition (ANPR) technology to monitor and enforce compliance of the 10mph speed limit. Any driver found contravening the 10mph speed limit will be reported to the relevant operations manager and / or NBC Licensing as applicable. Any driver found contravening the speed limit on more than two occasions within a six month period will not be permitted to drive within the Bus Station boundaries.
- b. All Bus Station occupiers will comply with Northampton Borough Council policies for the Bus Station, this includes but is not exhaustive of the following:
 1. Smoking policy – (see appendix 1)
 2. Wearing of Hi-Vis coats – (see appendix 1)
 3. Wearing Personal Protective Equipment (PPE) – (see appendix 1)
 4. Eating & drinking policy – (see appendix 1)
 5. Acceptable behaviour towards the public, NBC employees, security employees and other users of the bus station – (see appendix 1)

All Bus Station occupiers are responsible for ensuring their employees, or any other party undertaking work in their behalf, comply with Northampton Borough Council policies.

Any breach of NBC policies will be investigated in accordance with the appropriate regulations / guidelines. The outcome of any investigation may result in sanctions being applied to the relevant parties involved – (see appendix 2)

- c. All Bus Station occupiers must comply with Bus Station Operating Procedures at all times.

7. Relevant Health & Safety Acts / Legislation:

This includes but is not exhaustive of the following:

- PPE at Work Regulations 1992
- Manual Handling Operations Regulations 1992
- The Health and Safety (Display Screen Equipment) Regulations 1992
- Provision and Use of Work Equipment Regulations 1998
- Workplace (Health, Safety and Welfare) Regulations 1992
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Control of Substances Hazardous to Health Regulations 2002 (COSHH)
- The Health and Safety (First Aid) Regulations 1981
- The Noise at Work Regulations 1989
- The Electricity at Work Regulations 1989
- Fire Precautions Act 1971
- Lone working
- Working at Heights
- Any reference to any Act of Parliament, Order, Regulations, Statutory Instrument or the like shall be deemed to include a reference to any amendment or re-enactment of the same.

Appendix 1

All users associated with any operation within the Bus Station must adhere to the following instruction:

Smoking Policy:

Smoking is not permitted on the bus level of the Bus Station. This includes the ends of the roadways and either end of the main building. Smoking is now only permitted at the subway exits on the lower level of the Bus Station.

Hi – Vis Policy:

All users must not exit or enter the Bus Station from across the roadways, unless undertaking duties commensurate with their employment (eg going to board a parked bus, coming from parking a bus, using the bus wash, for fuelling and general maintenance)

Any employee on the roadways is required to wear Hi Vis at all times.

Eating & Drinking Policy:

Drinks and food may be consumed whilst on smoke breaks at subway exits, but not when an operative is outside on the roadways (unless your specific job is based in these areas for example fuelling / wash station operation)

(These instructions are to ensure that all operatives are seen to be showing an example to the public of the behaviours expected within the Bus Station and to address significant health and safety risks. It is expected that all companies operating within or from the Bus Station take steps to enforce this working instruction with employees under their responsibility).

Behaviour Policy:

All Northampton Borough Council (NBC) employees and third parties working on behalf of NBC have the right to work in a safe environment and NBC will not tolerate verbal abuse, aggressive or other inappropriate behaviour directed at them or any other users of our services.

All employers within the confines of the Bus Station will ensure that their employees, sub-contractors and third parties are responsible for ensuring compliance with this policy.

PPE Policy:

All companies/relevant employers using the Bus Station must supply their employees, sub-contractors and third parties with the appropriate PPE to ensure their safety whilst working within the confines of the Bus Station.

Northampton Borough Council may request and will receive copies of Bus Station Operators PPE records upon request within 10 working days.

All Operators and users will comply with all reasonable requests made by Northampton Borough Council without undue delay.

Appendix 2

NORTHAMPTON BOROUGH COUNCIL

Bus Station Users – Disciplinary Procedures

The following disciplinary procedures are necessary for promoting safety, fairness and order in the treatment of all users of the Bus Station.

These procedures set standards of conduct and working practices.

The following procedures provide a fair method of dealing with anyone who contravenes the procedures.

INFORMAL WARNING

Northampton Borough Council (NBC) will deal with minor breaches of procedures in an informal manner. NBC employees and / or Security employees working on behalf of the NBC will speak with any individual(s) who breach these procedures. The company/relevant employer employing the individual(s) concerned or the individual if self-employed will be informed of the contravened procedure and advised of the correct procedures to be followed.

FORMAL VERBAL WARNING

Following an informal warning, any individual who continually breaches the procedures will receive a formal verbal warning. The company/relevant employer employing the individual(s) or the individual if self-employed will be informed in writing of the reasons for the formal verbal warning and the improvements required. A record of the warning will be placed on the bus operatives file for six months.

WRITTEN WARNING

If an individual(s) breach NBC procedures again within six months of receiving a formal verbal warning then a written warning will be issued to the company/relevant employer employing that individual(s) or individual if self-employed. The company/relevant employer/individual if self-employed will be informed of the reasons for the warning and the improvements/rectifications required to prevent further action being taken. A written warning will be kept on the bus operatives file for twelve months.

Written warnings will be given to anyone who breach the procedures continually or uses verbal, abusive or threatening behaviour

FINAL WRITTEN WARNING

If an individual(s) breaches the procedures again within twelve months of a written warning being issued a final written warning will be issued to the company employing the individual(s) or individual if self-employed. The company will be informed of the breach including any dates and times of other breaches. The company will be advised that failure to comply with NBC procedures may result in the individual(s) being banned from working within the Bus Station. A final written warning will be kept on the bus operatives file for twelve months.

TERMINATION OF LICENCE

If a Company fails to control its employees, sub-contractors or third parties acting on behalf of the company and this endangers the safety and well-being of the public, Council employees or other third parties using the Bus Station, Northampton Borough Council may look to terminate their licence in extreme instances.

SERIOUS BREACHES OF PROCEDURE

If an individual(s) is suspected of a serious breach of procedure NBC will contact their Employer, inform them of the breach and if appropriate remove the individual(s) from within the confines of the Bus Station complex. Northampton Borough Council will request the relevant company to investigate the incident in line with the company's policy and procedures. The company will inform NBC of their action. If a serious breach is by a third party (sub contractor) the Council reserves the right to ban the contractors from the site pending the outcome of any investigation.

CRIMINAL OFFENCES

If an individual(s) is suspected of being involved in or party to a serious criminal offence NBC will contact the relevant Company. Their employee(s) or sub-contractor could be banned from the Bus Station pending a formal investigation. The investigation will be completed within 28 days unless the Police or other Government Agency is involved, in which case, the employee(s) or sub contractor will be banned until after the determination of their investigation or any prosecution arising is dealt with. If a serious offence is proven, NBC will inform the Company in writing their employee(s) or sub contractor is banned from working within the confines of the Bus Station. The individual(s) do not have to have received any previous formal warnings in these instances. The Council would expect the relevant company to undertake any investigation in line with their policy and procedures and deal with any employee in accordance with their disciplinary procedures. The company would write and inform the Council of the outcome of their investigation.

Listed below are examples of offences that NBC deem serious. A specified period must elapse, in respect of these, prior to NBC considering any application to lift the ban. The periods are detailed below. The fact that NBC will consider an application, after the expiry period, does not necessarily imply that the ban will be lifted.

- Category 1 - 5 years or more
- Category 2 - 2 to 5 years
- Category 3 - 0 to 2 years.

Individual circumstances will be considered and mitigation taken into account. Other matters may aggravate an offence, for example, the assault of a NBC employee.

Category 1

Murder
Attempt Murder
Manslaughter
Kidnapping
Rape
Child Abduction
Section 1 Protection of Children Act 1978 (indecent photographs)
Serious Firearms Offences
Blackmail
Drugs – production of a controlled drug, supply or possession with intent to supply.

Category 2

Indecent assault
Making threats to kill
Robbery
Wounding
Actual bodily harm
Racially aggravated public order
Racially aggravated harassment
Racially aggravated assaults
False imprisonment
Bomb hoax
Offences under the Public Order Act 1986 (affray, harassment)
Assault Police
Obstruct Police
Possession of an offensive weapon
Forgery
Counterfeiting
Handling Stolen Goods
Criminal damage

Category 3

Common Assault
Theft
Hate Crime

Bus Station Users Appeal Procedure

All Users may appeal at any stage of the disciplinary procedure.
All appeals will be made in writing to NBC.
The appeal will be determined, as far as practicable, within 28 working days.
All parties to the appeal will be informed of the determination in writing.

Certificate of Calibration

ANPR Speed 2 Camera System

Serial No: 690 & 693

Location: GREYFRAIRS BUS STATION, Northampton

Date of Calibration: 30th April 2010


I, the undersigned certify that the above equipment complies with the specification for ANPR Speed cameras and that the equipment has been tested to the approved standard. The system is accurate and has been calibrated to +/- 2 mph.

Date From: 1st May 2010

Date Till: 30th April 2011

Signed for and on behalf of
Serco Limited:

Date: 2nd May 2010



27442

Serco Transportation Systems
Bldg 79
Serco Rolleston
Shrewton
SP4 3DU

PB

Mr P Bayliss

01604 837099

pbayliss@northampton.gov.uk

27th July 2010

Dear Mr

Exceed Speed Northampton Bus Station

I have recently written to all Operators with regard to Private Hire Drivers driving dangerously through Greyfriars Bus Station.

This advice has been ignored by a number of drivers to such an extent that I have again been contacted by the Bus Station Manager and asked to inform individual drivers that they are no longer allowed in the bus station.

You are one of those drivers and have been checked no less than 24 times exceeding the safe speed limit within the station boundaries. Some of those occasions are when the station is at its busiest.

This is dangerous and will not be tolerated.

Should you be found in the bus station again especially speeding I will have no alternative but to ask the Licensing Committee to decide whether you are a fit and proper person to hold a Private Hire driver's licence.

Should you be found not to be a fit and proper person then the committee can suspend, revoke or refuse to renew your licence.

Please note that no further warnings will be given.

Yours sincerely

P Bayliss
Principal Licensing Officer

PB

Mr P Bayliss

01604 837099

pbayliss@northampton.gov.uk

25th May 2010

Dear Mr

Excess Speed Northampton Bus Station

We have been notified by the manager of Northampton Bus Station that during the period 21st to 23rd May 2010, A total of 76 Taxis and Private Hire vehicles were speed checked as they drove through the bus station. A number of these vehicles were travelling at more than three times the speed limit.

You are asked to remind your drivers that following the recent fatal accident at that location the prime consideration of the management is the safety of the public, the right of access to Taxis and Private Hire vehicles is a concession not a right and should this continue this concession will be withdrawn.

It is requested that common sense is used when driving where buses are manouvering, and passengers may be walking between them.

THE SPEED LIMIT OF 10MPH IS THERE FOR A REASON. PLEASE OBSERVE IT and remember HEADLIGHTS MUST BE SWITCHED ON AND DRIVERS MUST GIVE WAY TO BUSES REVERSING.

.

Yours sincerely

P Bayliss
Principal Licensing Officer

PB

Mr P Bayliss

01604 837099

pbayliss@northampton.gov.uk

23rd June 2010

Dear Mr

Excess Speed Northampton Bus Station

I have recently written to all Operators with regard to Private Hire Drivers driving dangerously through Greyfriars Bus Station.

This advice has been ignored by a number of drivers to such an extent that I have again been contacted by the Bus Station Manager and asked to inform one driver that he is no longer authorised to drop off or pick up passengers from that location. He drove through the bus station at 37mph, the speed limit is 10mph.

The fact that there has recently been a fatal accident at that location would seem to emphasize the fact that because of the constant movement of vehicles it can be more dangerous to manoeuvre through the bus station than driving on the road.

The management reserve the right to ban Taxis and Private Hire vehicles from that location and have re-iterated the fact that access is a concession not a right.

It was requested that common sense was used when driving where buses are manoeuvring, and passengers are walking between them.

Following the latest print out of vehicles exceeding the speed limit (there is a calibrated speed camera at that location) I have asked the management of the bus station to make a written, formal complaint with regard to any driver driving in a dangerous manner through the bus station. I am then prepared to bring that driver before the Licensing Committee and call into question whether he/she is a 'fit and proper person' to be a Hackney or Private Hire Driver.

Should the Committee decide that the driver is not a 'fit and proper' person they can revoke, suspend or refuse to renew that drivers Hackney/Private Hire licence.

Please ensure that all drivers are aware of this course of action there can be no excuses for this manner of driving.

PLEASE REMEMBER THE SPEED LIMIT OF 10MPH IT IS THERE FOR A REASON.
PLEASE OBSERVE IT AND REMEMBER HEADLIGHTS MUST BE SWITCHED ON
TOGETHER WITH HAZARD WARNING LIGHTS WHILST DRIVING THROUGH THE
BUS STATION AND DRIVERS MUST GIVE WAY TO BUSES REVERSING.

Yours sincerely

P Bayliss
Principal Licensing Officer



Our Ref:

Your Ref:

Please Contact: Philip Bayliss

Ext/Direct Line 01604 837099

Date: 18th March 2011

E-mail: pbayliss@northampton.gov.uk

Dear Sir

SPEEDING IN NORTHAMPTON BUS STATION.

I refer to your recent interview by Mr Stokes, Licensing Enforcement Officer with this Council in relation to speeding in the above location..

Due to the forthcoming Local Authority elections on 5th May 2011 the Licensing Committee are in 'Purdah' this means that they are unable to hear these matters until after the election has been held.

The first Licensing Committee meeting after the election will be on Tuesday 28th June 2011 and it is intended to place you before that Committee

Yours Faithfully

P Bayliss
Principal Licensing Officer.

Agenda Item 10

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 11

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 12

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Agenda Item 13

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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Agenda Item 14

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
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Agenda Item 15

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