

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 31 July 2012

COUNCILLORS PRESENT: Councillor Malpas (Chair); Councillors Beardsworth, Eales, Ford, Patel, Sargeant, Strachan and Wire.

OFFICERS Mohammed Rahman (NBC Solicitor).
Phil Bayliss (NBC Senior Licensing Officer).

1. APOLOGIES

Apologies were received from Councillor Duncan.

2. MINUTES

The minutes of the meeting held on the 19th June 2012 were agreed and signed by the Chairman.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

Councillor Eales declared a Personal interest in item 8 – Review of a Combined Hackney Carriage/Private Hire Driver's Licence – as he knew the driver concerned through employment some years ago, but they were not friends.

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

There were none.

6. STREET TRADING REPORT

The Senior Licensing Officer (SLO) submitted a report requesting that notice of intention be given to designate two additional streets as Street Consent Sites, being the service road off Gladstone Road and the layby on Bedford Road, Northampton (as detailed in the notice attached to the report and in the resolution below), and to designate those roads and streets in the Borough which did not exist on 6th October 2005 as prohibited streets.

The SLO stated that permission for a refreshment van in the Bedford Road layby had been given by South Northamptonshire District Council, but the site was actually within Northampton Borough. If the site was designated a street consent site the Borough Council would license vehicles trading there and would collect the income from the consents issued.

The Committee asked about the width of the road and safety issues in relation to both the proposed consent sites. The SLO stated that the proposed consent site was not on Gladstone Road itself but on the service road connecting Gladstone Road to the adjacent industrial estate. Permission had been given for a trader to vend at the site pending designation of the site to ascertain if there were any problems in trading there. Any complaints or objections to the site would be reported to the Committee when the proposed designation was considered. The site on the Bedford Road was set back from the layby at that location.

The Committee asked that Councillor Flavell, as the Ward Member covering Bedford Road,

be informed of the proposal to designate the layby at the site and be sent information so that residents could be made aware of the proposal. The Ward Member covering Gladstone Road, Councillor Eales, was already aware of the proposal to designate that site as a member of the Committee.

RESOLVED:

That with effect from 1st November 2012 and entirely subject to representations received after publication of relevant notices that:

- (i) the existing street trading regulations for the Borough be updated to allow the Council to designate additional street trading consents as set out below:

Gladstone Road	Service road, 26 metres from its junction with the Gladstone Road access road, near to Park Drive. Trading days/hours: 5.00am – 2.00pm, Monday-Friday.
Bedford Road	Layby on the east side, near to the great Houghton village turn, 40 metres from the entrance (Northampton side). Trading days/hours: 8.00am – 2.00pm, Monday-Friday.

- (ii) the roads and streets in the Borough that did not exist on 6 October 2005 be designated as prohibited streets.

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 A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Senior Licensing Officer informed the Committee that the driver had failed to appear at the meeting and no apology had been submitted.

The Committee being satisfied that the Hackney Carriage/Private Hire Driver had received adequate notification of the meeting agreed to hear the matter in his absence.

The Principal Licensing Officer then outlined the circumstances as set out in the report.

The Committee, using evidence contained within the report, made and reached a decision with regard to any further action to be taken.

RESOLVED

- 1. That the driver on a balance of probability was not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence; and

2. That the Driver's Hackney Carriage/Private Hire Licence be revoked 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' Court.

The meeting concluded at 6:30 pm