

**NORTHAMPTON BOROUGH COUNCIL**

**Licensing Committee**

Your attendance is requested at a meeting to be held at The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE on Tuesday, 25 September 2012 at 6:00 pm.

**D Kennedy  
Chief Executive**

**AGENDA**

**1 Apologies**

**2 Minutes**

**(Pages 1 - 3)**

To approve the minutes of the meeting held on 31 July 2012.

**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 Street Trading Consents**

**(Pages 4 - 7)**

**7 Deregulation of Live Music**

**(Pages 8 - 10)**

**8 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.”

**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.

**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 19<sup>th</sup> 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 6<sup>th</sup> 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 1<sup>st</sup> 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

Appendices



**NORTHAMPTON**  
BOROUGH COUNCIL

## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Street Trading Consents.</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	25 <sup>th</sup> September 2012
<b>Policy Document:</b>	Street Trading
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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That the Committee formally agree to pass a resolution designating two additional sites as Street Consent Sites and to include the roads and streets that have been adopted since 6 October 2005 as prohibited.

### 2. Recommendations

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- 2.1 That with effect from 1<sup>st</sup> November 2012.
- (i) the existing street trading regulations for the Borough be updated to allow the Council to designate additional street trading consents as set out in the Notice attached.
  - (ii) the roads and streets in the Borough that did not exist in 6 October 2005 be designated as prohibited streets
- 2.2 (A copy of the formal resolution is attached to this Report)

### 3. Issues and Choices

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#### 3.1 Report Background

On the 31<sup>st</sup> July 2012 this committee formally agreed to publish a notice of intention to pass a resolution designating two additional sites as Street Consent Sites and to include the roads and streets that have been adopted within the Borough of

Northampton, since 6 October 2005, as prohibited. This notice was duly published in the Northampton Herald and Post. (Copy attached).

The granting of a street trading consent is a matter within the general discretion of the Local Authority.

The council may attach such conditions as they consider reasonably necessary to consent. Such conditions can include requirements that would help to prevent the obstruction of the street or danger to persons using it; or nuisance or annoyance, whether to persons using the street or otherwise. This relates specifically to street trading licenses, unless the consent allows them to trade from a stationary van/cart barrow or other vehicle or a portable stall.

### **3.2 Issues**

None.

### **3.3 Choices (Options)**

To consider any representations received in respect of the proposed resolution.

No representations have been received from members of the public in response to the advertisement placed in the Herald and Post, although observations raised by the police and Northampton County Council Highways department can be considered in context and incorporated within the conditions of the consent should the committee feel this necessary.

## **4. Implications (including financial implications)**

### **4.1 Policy**

4.1.1 There would be no change to the existing policy.

### **4.2 Resources and Risk**

4.2.1 There is a fee payable to the authority from those trading from all consent sites.(Currently under review).

4.2.2 The revised costs of advertising are as follows:

Initial Notice - £180.54p

Two consecutive weeks notices if any resolution where appropriate - £361.08p

This will be met from the Licensing Departments advertising/legal budget.

### **4.3 Legal**

4.3.1 The designation of streets / roads as consented streets is lawful within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Section 2 (1) (c)

4.3.2 There is a mandatory requirement to advertise a notice of intention to pass a resolution in a local newspaper circulating in the area and to serve a copy of the notice on :

The chief officer of police for the area in which the street to be designated by the resolution is situated; and

On any highway authority responsible for that street and  
Obtained the necessary consents where the resolution relates to a street which is owned or maintainable by a relevant corporation and

Where a resolution designates as a licence street any street maintained by a highway authority

#### **4.4 Equality**

4.4.1 There are no equality issues to be addressed; any issues relating to public safety have been addressed during the consultation period.

#### **4.5 Consultees (Internal and External)**

4.5.1 The Police, Highways Department (Northamptonshire County Council) and the Environmental Health Department have been consulted. Observations from the police and Highways Department (County Council) are contained in their response (attached) The Environmental Health Department had no comment to make.

#### **4.6 Other Implications**

4.6.1 N/A

### **5. Background Papers**

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5.1 Licensing Committee Report dated 31<sup>st</sup> July 2012.

5.2 Northampton Borough Council Street Trading Consent Policy.

**Report Author Philip Bayliss**  
**Title Senior Licensing officer**  
**Ext: 7099**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART III  
STREET TRADING**

**NOTICE IS HEREBY GIVEN** under Paragraph 2 (3)(a) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982 of Northampton Borough Council's intention to pass the following resolution:-

"That with effect from 1st November 2012

(1) the following streets shall be designated as consent streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

STREET	TRADING CONSENT	TRADING DAYS
	AREA	AND HOURS
Gladstone Road	Service Road, 26 Metres from its junction with the Gladstone Road access road near to Park Drive .	5.00am x 2.00pm Mon-Fri
Bedford Road	Layby on the East side near to the Great Houghton Village Turn. 40 metres from the entrance (Northampton Side).	8.00am x 2.00pm Mon – Fri

**Interpretation**

In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

The "street trading consent area" will be defined by reference to a plan.

The Remainder of the Highway Network in the Borough of Northampton.

That with effect from 1st November 2012 the roads and streets, including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 10 metres in the Borough of Northampton and not included in the resolution passed by Northampton Borough Council on 27th September 2005 shall also be designated as prohibited streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

The "street trading consent area" will be defined by reference to a plan.

A list of those sites already licensed are available for inspection at the offices of the Northampton Borough Council between 9am and 5pm Monday to Friday.

Any representations or objections must be made in writing to the Council within 28 days of the advertisement being published in the local newspaper.



Appendices



**NORTHAMPTON**  
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## LICENSING COMMITTEE REPORT

<b>Report Title</b>	<b>Deregulation of Live Music</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	25 <sup>th</sup> September 2012
<b>Policy Document:</b>	Licensing Act 2003
<b>Directorate:</b>	Customers and Communities

### 1. Purpose

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That the Committee note the report and its contents.

### 2. Summary.

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2.1 The deregulation of live music comes into force on the 1<sup>st</sup> October 2012, although the government are still consulting on the technical aspects of the legislation.

The Live Music Act received Royal Assent on 8 March 2012. Before the new rules apply, however, the government is working with local authorities, the live music sector and others to amend the statutory guidance so that the Act is interpreted appropriately. It is expected that the changes will still come into force on 1 October 2012.

### 3. Changes to regulations

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3.1 Once the Live Music Act comes into effect, it will:

- remove the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- remove the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on

premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate

- remove the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- remove the licensing requirement for the provision of entertainment facilities
- widen the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

### **3.2 Issues**

3.2.1. Premises will still need to consider whether there are any breaches of regulations with regard to noise. These would be dealt under existing Environmental Protection legislation or by way of the review process.

3.2.1 The introduction of new conditions to control noise on a premises licence would still be an option following the review of a Premises Licence.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1. There would be no change to the existing policy.

### **4.2 Resources and Risk**

4.2.1 Changes to the legislation and any related enforcement issues would be dealt with by the licensing team.

4.2.2 It is not anticipated that there would be any significant reduction in income as a result of the changes.

### **4.3 Legal**

4.3.1 Live Music Act 2012 amends certain sections of the Licensing Act 2003 and the changes are therefore Statutory. As a consequence certain activities are therefore not considered to be regulated entertainment within the meaning of the Licensing Act 2003 and the Live Music Act amends the said Act.

4.3.2 The s182 Licensing Act 2003 Guidance is to be amended with an additional Chapter 15 to cover the amendments attributable to the Live Music Act 2012. The final version of the Guidance is expected to be laid before Parliament on 31<sup>st</sup> October 2012.

#### **4.4 Equality**

4.3.3 There are no equality issues to be addressed; any issues relating to public nuisance will be dealt with when they occur.

#### **5. Background Papers**

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5.1 The Live Music Act 2012

5.2 Home Office Regulations and Revised Guidance Licensing Act 2003).

**Report Author Philip Bayliss**

**Title Senior Licensing officer**

**Ext: 7099**