

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, 24 September 2013 at 6:00 pm.

**D Kennedy
Chief Executive**

AGENDA

1. Apologies
2. Minutes
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 - Abington Park
7. 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.

SUPPLEMENTARY AGENDA

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

8. Review of Hackney Driver Licence (1)

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, 23 July 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Ford, Hibbert, Mennell, Stone and Wire DL.

1. APOLOGIES

Apologies were received from Councillors Duncan and Eales.

2. MINUTES

The minutes of the meeting held on 18 June 2013 were agreed and signed by the Chair.

It was noted that following the last meeting the date suggested by the Chief Constable for all Licensing Authorities in Northamptonshire to be invited to observe policing in the Leisure Zone (minute 5 of the meeting of 18 June 2103 refers) was 14 September 2013. Once this date had been finalised an invitation would be sent to Members of the Committee.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

4. DECLARATIONS OF INTEREST

None.

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

None.

6. HACKNEY/PRIVATE HIRE ENFORCEMENT

A Senior Licensing Officer presented a report seeking to formalise the system of sanctions and procedures currently imposed on Hackney and Private Hire drivers through the enforcement process. The procedures had been in place for two years and it was suggested that they should now be embedded in Council policy. The report detailed the sanctions and procedures which were operated by the Council.

In answer to Members' questions, the Senior Licensing Officer and the Head of Public Protection stated that:

- Cautions could only be given where there was sufficient evidence to undertake a prosecution and the driver accepted his/her guilt. The cautions were recorded on drivers' files and could be presented at any subsequent court hearing as evidence of previous misconduct. Warnings would be held on file to enable a picture to be built up and this could be used to bring persistent offenders before the Committee to decide whether they were a 'fit and proper person' to be a Private Hire driver. The system allows flexibility in the way in which offences are dealt with;
- Obstruction of an authorised officer or constable was not common. There had only been one prosecution for this offence since 1999, which had been successful;
- Every complaint from a member of the public is investigated and the evidence weighed carefully, particularly where it was one person's word against another;
- Resources were being kept under review. The number of Enforcement Officers had

been increased during the previous two years. If further resources were needed this would be considered;

- There were a small number of Hackney/Private Hire women drivers. Obstacles were not placed in the way of women becoming drivers but few had chosen to do so;
- There was more driver training undertaken in the Borough than in many parts of the country;
- The legislation did not permit the introduction of probationary periods for new Hackney/Private Hire drivers.

It was noted that there is now regular liaison between the Licensing Officers and the trade. The Chairman stated that there had previously been a Hackney Carriage/Private Hire Working Party, with trade representatives as members, which had considered terms and conditions for vehicles and drivers in 2012/13 and which had proved productive. If Members wished this type of liaison to continue with the trade officers could be asked to bring a report to the Committee to establish another working party.

RESOLVED:

1. That with immediate effect the system of sanctions outlined in the report be formally adopted by the Northampton Borough Council as a means of dealing with non-compliant Hackney drivers, Private Hire drivers and Operators.
2. That powers be delegated to the Licensing Enforcement Officers to use their discretion as to when and under what circumstances sanctions are imposed.
3. That the officers be requested to bring a report to a future meeting of the Committee to establish a working party for liaison between officers and the trade.

7. ANNUAL FEE REVIEW

A Senior Licensing Officer presented a report seeking to establish a framework to review how the fees and charges levied by the Licensing Department are agreed and making the fees subject to annual reviews. It was noted that the fees set for much of the Licensing Department's work were governed by statute and that some fees had to be set on a cost recovery basis only. After any review the proposed fees would be reported to the Committee for consideration.

Members welcomed the proposal for an annual review and referred to the Street Trading fees which had not been increased between their introduction in 2003 and the Committee's meeting held on 30 April 2013.

RESOLVED:

1. That a review of the fees and charges made by the Licensing Department be undertaken annually, which would provide guidance to managers in setting appropriate levels of fees and charges, taking into account client groups and corporate objectives, and that provision be made for regular reviews of fees and charges within the overall service.
2. That recommendations as to whether fees ought to be increased or decreased would be in line with the annual review, with the ultimate decision ratified by the Licensing Committee.
3. That incorporating the review of fees and charges formally into the service and planning process would also permit consideration of cross-cutting issues and impacts in the context of wider policy considerations.

4. That reasonable or statutory notice should be given to service users before any new charge is implemented or an increase made to an existing charge. If discounts or concessions are available these should be made clear to the applicant, to include the different methods of payment.

The meeting concluded at 6:20 pm

Appendices
2



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Street Trading Consents – Abington Park
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	24 th September 2013
Policy Document:	Street Trading
Directorate:	Customers and Communities

1. Purpose

That the Committee formally agree to publish a notice of intention to pass a resolution to re-adopt all of Park Avenue South as a prohibited street and move the two existing street trading pitches from Park Avenue South onto two new designated sites just off the highway on Abington Park as indicated on the attached plan Appendix A

2. Recommendations

2.1 That with effect from 1st April 2014:-

- (i) Agree to remove the existing street trading pitch located at; Park Avenue South (east side) from a point 139 metres (457 feet) north of its junction with Christchurch Road for a distance of 10 metres (33 feet) northwards.
- (ii) the existing street trading regulations for the borough be updated to allow the Council to designate two street trading consents at Abington Park as set out in the Notice attached. Appendix B

2.2 (A copy of the formal resolution is attached to this Report) Appendix B

3. Issues and Choices

3.1 Report Background

- 3.1.1 Further to the recently approved parks and open spaces strategy, the local authority is currently looking at a number of potential initiatives aimed at making our parks more attractive to encourage more visitors.
- 3.1.2 One such initiative is looking at creating an attractive gateway from Park Avenue South, leading into Abington Park and linking in with other potential future projects.
- 3.1.3 This for example includes working in partnership with Friends of Abington Park and Northampton Museums Education Department to develop information, learning resources and activities to help local people and visitors to the park learn more about the ecology and heritage of Abington parkland and surrounding areas. This is one of a number of potential future projects which it is hoped will help to attract new audiences to Abington Park.
- 3.1.4 Whilst looking at these initiatives, safety concerns have been raised with regards to the location of the two ice cream vans with a street trading consent on Park Avenue South, attracting families with young children to stand in close proximity to a busy road.
- 3.1.5 At present all street traders are encouraged to occupy their consent sites from a time prior to those members of the public wishing to enjoy the local facilities and the area becomes busy. However it has been noted during the busy summer months that on occasions the ice cream van/s fail to arrive early in the morning, resulting in their pitches being taken as parking spaces by visitors to the park and the traders are finding themselves without a trading place.
- 3.1.6 Each pitch, in an area where parking is allowed to members of the public, is not for the sole use of the permit holder. If a member of the public is parked when the trader arrives then he must wait for the pitch to be vacated, he has no authority to demand the removal of any vehicle. He is not permitted to trade from any other location in the vicinity.
- 3.1.7 It is also noted that during the busy periods, customers of the ice cream traders queue on and around the footpath, blocking the pedestrian access and creating a potential hazard with the very steep incline directly running along the footpath.
- 3.1.8 The two existing ice cream sellers provide a popular service to the residents and visitors of Northampton and therefore whilst looking at the future opportunities within Abington Park, it has been identified that these two ice cream traders would benefit from a prime location, within the park area just off the highway, which has the potential to be developed as the gateway area to the park. These new pitches will allow for a more attractive trading area away from the busy road and the steep incline. The new areas identified are shown as indicated on the attached plan. Appendix A.

- 3.1.9 At present both traders are restricted by their consents to trade until 7.30pm, however it is proposed that the ice cream traders will be allowed to trade on the new pitches from dawn to dusk, allowing them the opportunity to maximise their sales during the busy summer months.
- 3.1.10 For your information Street trading consents authorise mobile street trading such as the sale of hot dogs and other mobile snack bars. The majority of street trading pitches within Northampton are located on or around industrial estates, the only exception at this present time being the two ice cream vans at Abington Park.
- 3.1.11 The granting of a street trading consent is a matter within the general discretion of the Local Authority.
- 3.1.12 The council may attach such conditions as they consider reasonably necessary to a 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.
- 3.1.13 Consideration will be given during the consultation period to adding a condition specifying a suitable time for the ice cream vans to manoeuvre on and off the park with due regard to public safety.
- 3.1.14 The Licensing Committee will need to consider the adoption of the pitches following the consultation period and taking into account any representations made.

3.2 Issues

- 3.2.1 The date for this proposal is subject to change depending upon completion of the necessary works to create the two new consent sites, a further report will be presented to the committee should the date need to be amended.

3.3 Choices (Options)

- 3.3.1 The choice will be whether or not to include these two new street consent sites within the park and remove the existing sites on Park Avenue South, or,
- 3.3.2 Take no action and leave the two current street trading consents on Park Avenue South.

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 The 2013/14 fee payable by the two traders on Park Avenue South is £1,225 each, per annum and the same fee will apply for the two new pitches within Abington Park, thus there will be no loss in licensing revenue. There will be a cost of approximately £500 for the advertisement of this proposal; these costs will be met from the existing licensing budgets.
- 4.2.2 Investment for the improvement works to be carried out around the parks will be funded from the parks and open spaces strategy and will not be funded from the Licensing budget.

4.3 Legal

- 4.3.1 The Local Government (Miscellaneous Provisions) Act 1982 empowers a district council to adopt Schedule 4 of the Act.

A district council may by resolution under Schedule 4:

Designate any street in their district as—

- (a) a prohibited street;
- (b) a licence street; or
- (c) a consent street.

“street” includes—

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street;

- 4.3.2 If a district council pass such a resolution as is mentioned in above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

- A council shall not pass such a resolution unless—

- (a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
- (b) they have served a copy of the notice—

(i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and

(ii) on any highway authority responsible for that street

The notice referred to in above—

(a) shall contain a draft of the resolution; and

(b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

4.3.3 As soon as practicable after the expiry of the period specified above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

4.3.4 After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in subparagraph (1) above.

4.3.5 The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

4.3.6 Where a street is designated as a licence street, the council may resolve—

(a) in the resolution which so designates the street; or

(b) by a separate resolution at any time

4.4 Equality

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

4.5 Consultees (Internal and External)

4.5.1 Director of Customers & Communities, Head of Public Protection, Community Safety Manager, Finance, Legal Services, Senior Licensing Officers

4.5.2 The Police, Highways Department (Northamptonshire County Council) and the Environmental Health Department will be consulted prior to adoption.

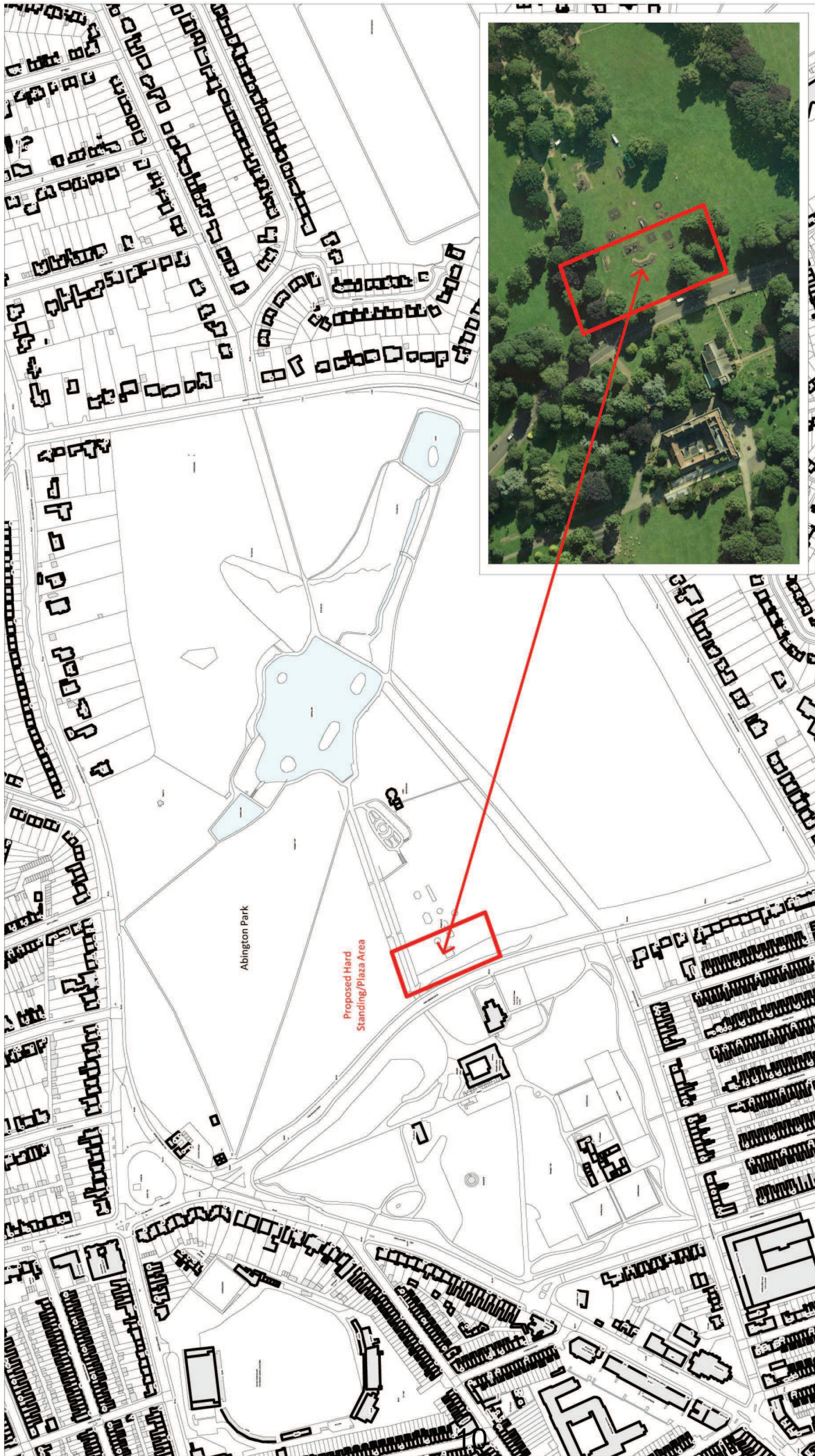
4.6 Other Implications

4.6.1 N/A

5. Background Papers

- 5.1 Licensing Committee Report dated 27th September 2005.
- 5.2 Northampton Borough Council Street Trading Consent Policy.

Report Author Louise Faulkner
Title Senior Licensing officer
Ext: 8393



Title:

Abington Park - Proposed Hardstanding/Plaza Area

Date: 30/08/2013 Scale: NTS Drawn by: GIS

Appendix B – PROPOSED RESOLUTION

1. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART III

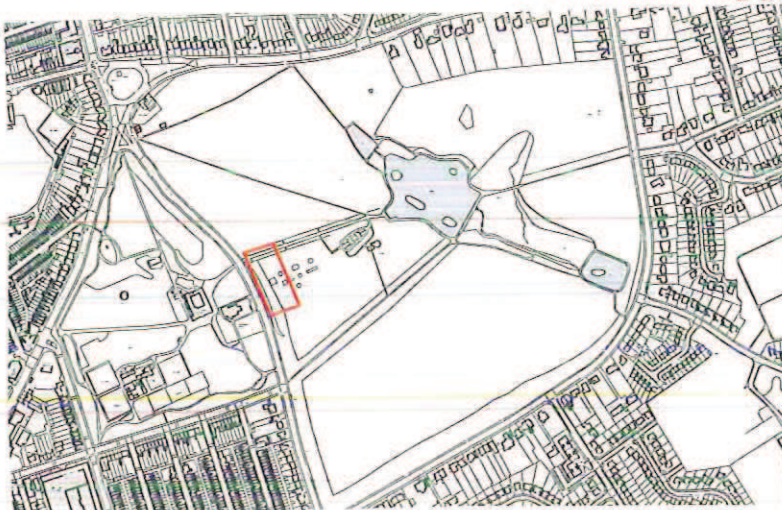
2. STREET TRADING

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 April 2014:-

- (1) Park Avenue South shall be designated as a prohibited street for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.
- (2) the following shall be designated as consent streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

STREET	TRADING CONSENT AREA	TRADING HOURS	DAYS	AND
Abington Park	The area identified in red as shown in the plan below.	Monday - Sunday Dawn to Dusk		



Interpretation

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

"Street" includes all roads, footways, highways and adjacent areas to which the public have access without payment.

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 April 2014 the roads and streets, including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 15 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 no later than 28 days of the advertisement being published in the local newspaper.

Agenda Item 8

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

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