

# **NORTHAMPTON BOROUGH COUNCIL**

## **LICENSING COMMITTEE**

**Tuesday, 5 November 2013**

**PRESENT:** Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Conroy, Eales, Ford, Hibbert, Sargeant and Stone

**APOLOGIES:** Councillor Duncan, Councillor Mennell and Councillor Wire DL

### **1. APOLOGIES**

Apologies were received from Councillors Duncan, Mennell and Wire DL.

### **2. MINUTES**

The minutes of the meetings held on 24 September 2013 and 15 October 2013 of the meeting held on 24 September 2013 were agreed and signed by the Chair.

### **3. EXCLUSION OF PUBLIC AND PRESS**

The Chair moved that the Public and Press be excluded from the meeting for the following item 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 the item of business by reference to paragraph (1) of Schedule 12A to such Act.

The Motion was Carried.

### **4. SUPPLEMENTARY MINUTES**

The supplementary (private) minutes of the meeting held on 15 October 2013 were agreed and signed by the Chair as amended.

The Committee returned to public session following this item.

### **5. DEPUTATIONS / PUBLIC ADDRESSES**

Mr Perry Mainstone was given leave to address the Committee in respect of agenda item 8 – Hackney Carriage Tariff Review.

### **6. DECLARATIONS OF INTEREST**

Councillor Conroy declared a personal, non-pecuniary interest in agenda item 6 (The Scrap Metal Dealers Act 2013) in respect of Tools for Reliance, a charity which collected tools for refurbishment but sold for scrap tools which could not be re-furbished.

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

None.

### **8. THE SCRAP METAL DEALERS ACT 2013**

The Environmental Health Food Safty Manager informed the Committee of the licensing requirements of the Scrap Metal Dealers Act 2013 (the 2013 Act) and sought approval for the scheme of delegation and licensing fees.

Councillor Conroy declared a personal, non-pecuniary interest in respect of Tools for

reliance which was a charity which received donated tools and refurbished them for use in developing countries. Where tools could not be refurbished they were sold as scrap metal as was any wire which was collected. He asked if charities would be exempt from the need for a licence and the fee which needed to be paid for a licence.

Officers stated that if an organisation dealt in scrap metal as a supplementary activity to its main purpose it would not require a licence under the Act. Selling metal for scrap was an ancillary activity for Tools for Reliance. It was noted that the legislation did not prescribe the level of fee which should be charged and this could be set at the Council's discretion in respect of any charities which might be affected.

In answer to Members' questions officers stated that:

- A charge could be levied for administering the 2013 Act but not for enforcing it. Local authorities could only check that scrap metal dealers had a licence in compliance with the Act;
- The Council could administer the provisions of the Act within existing resources;
- A licence could be revoked for breaches of relevant offences, as set out in the Act;
- A scrap metal dealer would need a licence for each local authority areas in which they operated.

#### **RESOLVED:**

1. That the Head of Customers and Communities be authorised to set the fees to accompany applications made under the Scrap Metal Dealers Act 2013 (the 2013 Act).
2. That powers be delegated to the officers within Regulatory Services to determine the suitability of applicants to hold a licence and dispose of the responsibilities to the Council within the 2013 Act.

#### **9. REVIEW OF LICENSING FEES**

The Senior Licensing Officer presented a report reviewing the Private Hire Operator fees currently adopted by the Council, which took effect from 1 April 2013. He stated that over time the number of vehicles operated by some licence holders had increased significantly and the fees no longer reflected the amount of administration time involved in issuing and renewing those licences. Small operators were paying disproportionately more for licences under the current system than one operator who had over 200 vehicles. The report proposed increasing fees for operators with large fleets.

Members considered that there should be an additional charge of £250 for every 25 vehicles between 251 and 300, in addition to the set charge of £2,750 for fleets of 226-250 vehicles which would also apply.

It was noted that large operators could set up separate companies to operate their fleets.

The categories in the proposed fees were amended where there were overlaps, e.g. 6-20 and 20-30 were amended to read 6-20 and 21-30.

It was noted that if any objections to the proposed increases in fees they would be brought to the Committee for consideration.

#### **RESOLVED:**

That with effect from 1 January 2014 the proposed fees, detailed at Appendix A of the

officer's report, for Private Hire Operator Licences be subject to advertisement.

## **10. HACKNEY CARRIAGE TARIFF REVIEW**

The Senior Licensing Officer presented a report reviewing the Hackney tariff currently in use by those Hackney vehicles licensed by Northampton Borough Council. The current scale of fares took effect from 6 May 2008 and there had been no increase since that time, although the cost of living had risen significantly. The report proposed a 10.5% increase in fares.

Mr Mainstone, who had been given leave to address the Committee, stated that the trade had considered seeking a raise in tariffs 2.5 years ago but drivers had not supported that as their passengers costs of living were rising and an increase would not have been popular. With the economy showing signs of recovery it was considered this was now the right time to seek an increase in the tariff. In answer to a member's question about comments on social media about proposed increases Mr Mainstone stated that most Hackney passengers were commuters and many found it difficult to believe that the tariff had not been increased in five years.

It was noted that if tariffs had risen since 6 May 2008 they would be in excess of the 10.5% increase proposed in the report.

It was noted that if there were no objections to the proposed tariff the officers had delegated authority to approve the increases.

A Member asked if the Committee could lobby the Government in respect of fuel costs but was advised that this was outside the Committee's remit and could be raised at full Council.

### **RESOLVED:**

That the Hackney Carriage Tariff outlined in the report be approved for advertisement.

## **11. STREET TRADING CONSENTS - ABINGTON PARK**

The Senior Licensing Officer presented a report stating that following the decision of the Committee at the meeting held on 24 September 2013 a notice had been published stating the intention to pass a resolution to re-adopt all of Park Avenue South as a prohibited street and to move two existing street trading pitches from that site on to two new designated sites just off the highway on Abington Park. No objections had been received to the proposals during the consultation period.

The Senior Licensing officer showed slides of the location for the site, which would be on hard standing and landscaped. The site would be visible from the highway and would improve road safety in the area. There had been positive feedback to the proposals and one operator who been opposed to the proposals was now showing more support for them.

It was noted that:

- If the site was not ready by the start date of 1 April 2014 traders would be able to continue on their existing site until works were finished;
- There were no covenant which prevented trading in Abington Park;
- Leeway would be allowed in respect of trading times to take account of changes in the weather.

### **RESOLVED:**

That the following be agreed with effect from 1 April 2014:

- (1) That subject to the completion of works, 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 be removed from the list of "Consent" sites, and
- (2) 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 at Appendix B to the report.

## **12. POLICY AND PROCEDURE FOR THE CLASSIFICATION OF FILMS**

The Senior Licensing Officer presented proposals for a Council Policy for the Classification of Films. There was currently no formal procedure for the Council to classify previously unclassified films, deal with appeals against the British Board of Film Classification's (BBFC) decisions or request to reclassify films.

It was noted that:

- Local authorities had powers to classify films in their areas, although this was usually left to the BBFC because of limited resources. A local authority classification took precedence over a BBFC classification. Classification had to be reasonable and there was a right of appeal by a filmmaker to a local authority classification.
- Requests could be made to reclassify a film for local viewing, although this would require a significant number of requests.
- Films made by local schools or colleges for showing to students within those establishments only, would not generally need to be classified.
- Any films which the officers felt unable to classify would be considered by the Licensing Sub-Committee for decision.

### **RESOLVED:**

1. That the policy and procedure for dealing with the classification of films be approved, as set out at Appendix A of the report.
2. That the Guidance issued by the British Board of Film Classification (BBFC) to assist in the determination of classifying films, as attached at Appendix B to the report, be agreed.
3. That responsibility for the authorisation of films which have not already been classified by the BBFC be delegated to the Licensing Manager and Senior Licensing Officers.
4. That responsibility for the authorisation of films which have not already been classified by the BBFC and where the Licensing Manager and Senior Licensing Officers are unable to make a formal classification be delegated to the Licensing Sub-Committee.

## **13. REVIEW OF SEX ESTABLISHMENT LICENSING FEES**

The Senior Licensing Officer informed the Committee of the implications of the Westminster City Council Sex Shop Licensing Ruling, which meant that licensing authorities were now unable to charge fees above the actual costs of granting licences to those establishments. The cost of enforcing the licensing system could no longer be reflected in the fee. Officers would be looking at the fees charged by the Council to ensure that they were reasonable.

In answer to Members' questions the Senior Licensing Officer stated that:

- There was one sex entertainment venue and three sex shops in Northampton. The fee for the venue was considered to be reasonable, and possibly slightly low. The fee for the shops would be reviewed and reported back to the Committee. The shop operators had raised this issue with offers in respect of the Westminster City Council decision.
- All four establishments were in the same vicinity, which had been selected when the Council had adopted the sex establishment legislation. The criteria for siting such establishments would be provided to Members.
- Sex entertainment venues had to be licensed on an annual basis and this usually resulted in Licensing Sub-Committee hearings.

The Chair asked that the review of the licensing fees be brought back to the Committee as soon as possible so that the fees could be included in the 2014/15 budget. He stated that the Committee could consider a full review of the policy in relation to sex entertainment venues and sex shops if a majority of Members wished.

**RESOLVED:**

That the report be noted.

The meeting concluded at 7:10 pm.