

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, 10 December 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. Fixed Odds Betting Terminals
7. Street Trading Consent
(A location map and photographs of the proposed site circulated at the meeting are enclosed.)
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.

SUPPLEMENTARY AGENDA

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

9. Review of Hackney Driver's 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, 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 Safety 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.

Appendices:

0



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Fixed Odds Betting Terminals
---------------------	-------------------------------------

AGENDA STATUS: PUBLIC

Committee Meeting Date:	10/12/2013
Policy Document:	Statement of Gambling Principles
Directorate:	Customers and Communities

1. Purpose

- 1.1 For Members to consider the issues relating to Fixed Odds Betting Terminals (FOBT's).

2. Recommendation

- 2.1 That the Committee note the report and direct further action as may be necessary

3.1 Report Background

- 3.1.1 A fixed odds betting terminal (FOBT) is an electromechanical device normally found in betting shops that allows players to bet on the outcome of various games and events with fixed odds. They were introduced to UK shops in 2001. The most commonly played game is roulette. The minimum amount wagered per spin is £1. The maximum bet is £100 per spin.. The largest single pay-out cannot exceed £500 Other games incorporated within FOBT's include bingo, simulated horseracing and greyhound racing.
- 3.1.2 Under current UK legislation, these machines are allowed to offer content classed as Category B2, Category B3 as well as Category C content.
- 3.1.3 Shops are allowed up to four terminals, although this number also includes traditional slot machines. Most shops favour the new FOBTs over the traditional slot machines. The Gambling Commission reports that there were 33,319 FOBTs in Britain's Betting Offices between October 2011 & September 2012. Nationally there has been a significant increase in the number of betting shops in the last 12 months.

- 3.1.4 FOBTs have been criticised due to the potential for addiction when playing the machines. Machines allow users to place up to a £100 stake to win a £500 maximum prize, and the bets can be placed every 20 seconds allowing for a potential spend of £1500 in 5 minutes.
- 3.1.5 Initial research has shown that Northampton currently has 35 licensed betting shops. All of the betting shops in the town centre have opted to have the four FOBT's rather than a mix including fruit machines.
- 3.1.6 Takings from FOBT's now account for nearly half of the big bookmakers' annual profits, despite being limited to four terminals per shop. The average weekly profit to the bookmaker is £900 per machine. Critics say the machines are highly addictive and lead to crime and poverty but the gambling industry says there is no hard evidence of this and have promised a new code of conduct to allow players to limit their own stakes. However, a recent economic analysis was commissioned by the Campaign for Fairer Gambling to assess the impact of the growth in FOBTs on spending on local economies. The report concluded that an extra £1bn gambling on FOTBs produces a net reduction of 13,000 jobs. It also stated that a projected doubling of FOBT revenue by 2023 could destroy as many as 23,000 jobs.
- 3.1.7 There have also been recent cases whereby profits made from illegal activities including drug dealing have been found to be laundered through the use of these machines. Coral bookmakers were recently fined £90,000 by the Gambling Commission for allowing up to an estimated £1,000,000 to be laundered through their FOBT's by one dealer
- 3.1.8 The regulation of FOBT's falls within the Gambling Act 2005 and this matter was review earlier this year. The Government decided not to reduce the stake and prize associated with FOBT's deciding that to focus more on responsible gambling.
- 3.1.9 The failure to change the prizes and stake associated with FOBT's coupled with the changes made to planning laws which now allow a shop to be changed to a betting shop without planning permission, has made many local authorities and M.P's feel they are not in a position to protect those in their communities who could be at risk to financial or psychological damage from the increasing presence of betting shops and FOBT's.
- Liverpool City Council have carried a motion calling the Government to ban FOBT's.
 - Lambeth Council are investigating the possibility of introducing a bye law to restrict the maximum stake to £2.
 - Also in London, 14 councils want to use the Sustainable Communities Act to control the spread and activities of betting shops.
 - An early day motion 580 calling for a further review has the support of 21 M.P.s
- 3.1.10 The swell in opposition to FOBT's has prompted the Government to consider the possibility of a further review in the future although this has not been confirmed

4.1. Implications (including financial implications)

4.1.1. There are no financial implications of the proposed action.

4.1.2. There are no Human Rights implications in adopting the recommendations of this report.

5.1 Resources and Risk

5.1.1 Resources will not be affected the licensing team will continue to issue licences and monitor these premises.

5.1.3 In noting the report and directing accordingly the Council will be exercising due diligence in licensing matters

5.3 Legal

The Gambling Act 2005 contains three licensing objectives which underpin the functions that licensing authorities will perform.

They are:

- 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- 2) Ensuring that gambling is conducted in a fair and open way
- 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Commission does not seek to define “vulnerable persons”, but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

Best Practice In Regulation

The purpose of local authority regulation is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

Regulators should therefore be:

- Proportionate – regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised
- Accountable – regulators must be able to justify decisions and be subject to public scrutiny
- Consistent – rules and standards must be joined up and implemented fairly

- Transparent – regulators must be open and keep regulations simple and user friendly
- Targeted – regulation should be focused on the problem and minimise side effects

5.4 Equality

5.4.1. There are no Equality issues as a result of this report.

5.5 Consultees (Internal and External)

5.5.1. Legal

5.6. Background Papers

5.6.1. Gambling Act 2005.

5.6.2. <http://www.parliament.uk/edm/2013-14/580>.

5.6.3. Northampton Borough Council's Statement of Gambling Principles.

5.6.4 Economic Analysis, Campaign for Fairer Gambling.

Report Author: Bill Edwards.
Senior Licensing Officer
x8986

Appendices:
1



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

Report Title	Street Trading Consent
---------------------	-------------------------------

AGENDA STATUS: PUBLIC

Committee Meeting Date:	10 December 2013
Policy Document:	Street Trading
Directorate:	Customers and Communities

1. Purpose

That the Committee, formally agree to pass a resolution, to relocate a Street Trading Consent Site from its current position to the preferred option site. (As at Appendix B.)

2. Recommendations

2.1 That with effect from 1st February 2014:

- (i) the existing street trading consent site in Gowerton Road, Brackmills, Northampton is withdrawn in favour of a new site nominated by the Senior Licensing Officer in agreement with Mr Chris Barker, Brackmills Industrial Estate Security Manager and the street trader Mr Podolczak.

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

3. Issues and Choices

3.1 Report Background

3.1.1. Over recent months the Licensing Department have been in discussions with both the Street Trader located at Gowerton Road and the Brackmills Security Manager Mr Barker in an attempt to confirm a safer location for the trader to operate.

3.1.2. The current location is situated on the highway and since the site was adopted the development of Brackmills is such that traffic has increased and this has also increased potential risk to the trader.

- 3.1.3. The new site as nominated is situated at the far end of the layby, as on the attached plan, this also provides adequate parking for prospective customers.
- 3.1.4. The granting of a Street Trading Consent is a matter within the general discretion of the Local Authority.
- 3.1.5. The council may attach such conditions as they consider reasonably necessary to a Street Trading Consent.
- 3.1.6. 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.
- 3.1.7. 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 known.

3.3 Choices (Options)

- 3.3.1. To agree to publish a notice in the local newspaper of the proposed resolution. (Appendix A).
- 3.3.2. To retain the existing consent site.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 There would be no change to the existing policy.
- 4.1.2 There is the cost of advertising the change in location in a local newspaper..

4.2 Resources and Risk

- 4.2.1 There is a fee payable to the authority from those trading from all consent sites.
- 4.2.2. There may be objections to the proposal those objections, if forthcoming, would be considered at the next meeting of the committee.
- 4.2.3. Costs of advertising 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 will be consulted.

4.6 Other Implications

4.6.1 N/A

5. Background Papers

5.1 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 that Northampton Borough Council's intention to pass the following resolution:-

"That with effect from 1st February 2014

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

Gowerton Road: 50 metres south of Caswell Road

- (2) the following location shall be shall be a designated consent site for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982

Gowerton Road: The Laybv on the south side of the road 86mtrs east of the roundabout junction

Interpretation

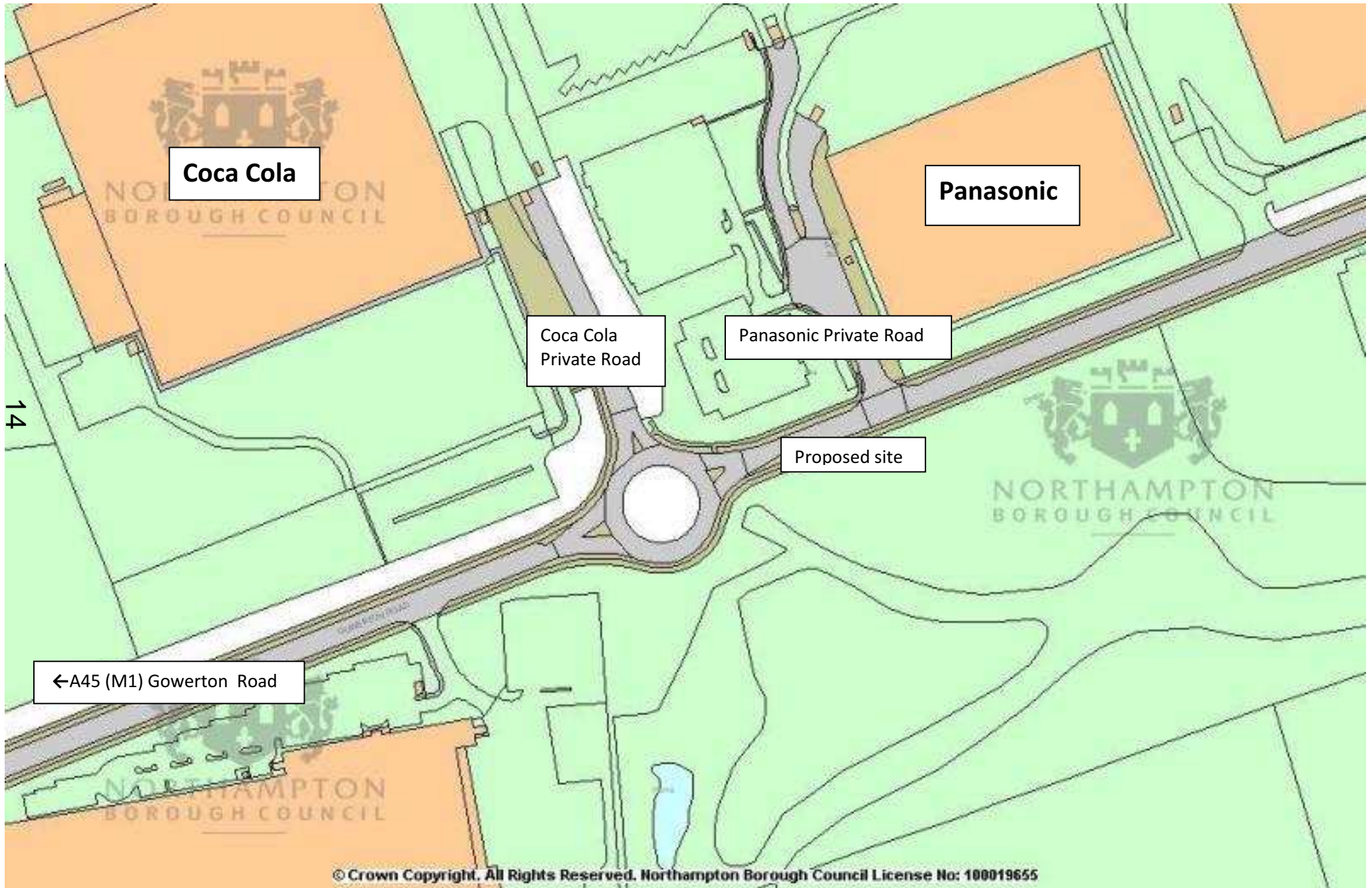
In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

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

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 paper.

Appendix B











Agenda Item 9

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

Document is Restricted