

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Tuesday, 2 February 2016

**PRESENT:** Councillor Sargeant (Chair); Councillor Hill (Deputy Chair); Councillors Ansell, Caswell, Duffy, Malpas, Walker and Stone

### 1. APOLOGIES

Apologies were received from Councillor Eales and Councillor Choudary.

### 2. MINUTES

The minutes of the meeting held on the 6<sup>th</sup> January were agreed and signed by the Chair.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

Mr Robert Prentice addressed the Committee on item 7

### 4. DECLARATIONS OF INTEREST

The Chair declared a personal non pecuniary interest in item 7 as the Ward Councillor for Upton.

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

None.

### 6. STATEMENT OF GAMBLING PRINCIPLES 2016- 2019

The Senior Licensing Officer presented the report and elaborated thereon. The Committee were advised that the purpose of this report is to enable the Licensing Committee to consider the Council's Statement of Principles in relation to the Gambling Act 2005.

It was reported that section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act, and in particular the following three licensing objectives:

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

The statutory period for the statement is three years. The last statement was approved by the Council on 25th February 2013 and came into effect on 1<sup>st</sup> March 2013. A new statement must be prepared and published with a view to it coming into effect on 1<sup>st</sup> March 2016.

The Senior Licensing Officer referred the Committee to a summary of the changes attached at Appendix B of the report

The new statement was attached as Appendix C of the report.

The Committee were advised that their options are;

- To adopt the reviewed statement that incorporates the most recent guidance issued by the Gambling Commission.
- To reject the reviewed statement and maintain the existing document which does not reflect the updated guidance issued by the Gambling Commission.

In response to questions from the Committee the Senior Licensing Officer explained an adult gaming centre is a venue where you have to be 18 or over to enter, it is a B3 category and contains fruit machines, poker games etc.

He advised that he could not comment if police check records of staff managing these venues.

He stated that Licensing dept. have the authority to say where these machines are situated in premises.

He noted that Licensing Dept have very restrictive access to clubs such as working men's clubs. They cannot be entered on routine basis.

He advised that people attending these venues should be identified by staff if underage and ID should be requested. He also advised that the licensing dept have not received any complaints or had any issues with casinos or betting shops in Northampton.

The Senior Licensing Officer upon request by the Committee stated that he can look into Child sexual exploitation training for owners and managers of these adult gaming centres.

## **RESOLVED**

The Committee **AGREED** to adopt the reviewed statement that incorporates the most recent guidance issued by the Gambling Commission prior to approval at full Council on 22nd February 2016

## **7. REVIEW OF CAR BOOT SALE FREQUENCY AND NUMBER OF EVENTS**

The Chair left the Committee at 18:15 due to his declaration of interest on the item and Councillor Hill acted as Chair on this item.

The Senior Licensing Officer presented the report and elaborated thereon. It was reported that the Committee formally review Car Boot Sale frequency of events and time stipulation between events (condition 1 of existing policy).

The Senior Licensing Officer advised that Northampton Borough Council, as holder of the market franchise, requires all car boot sales and similar events held within 6 $\frac{2}{3}$  miles of Northampton Market Square to be registered with the Council and operate under a permit issued by the Council.

Permits are granted for a period not exceeding 12 months and will expire on 31<sup>st</sup> December each year. They will only be issued to charities or non-profit making philanthropic bodies. Traders are not allowed to trade at these events.

It was reported that In August of last year the Licensing Dept received an initial request from a representative of Duston Mill Charity Car Boot Sale to remove the requirement to have a minimum of 14 days between each car boot sale and remove the maximum of 12 events per year.

Currently, condition 1 of the policy stipulates that events are limited to 12 per year and there must be at least 14 days between them. The current policy is attached at Appendix B

It was advised that the most relevant reason affecting licence holders put forward to change

the current policy is:

That the regular appearance of the German Market is in direct Breach of the Councils' Car Boot policy as detailed in appendix A.

The representative lists further reasons and benefits specific to Duston Mill that the removal of the condition would bring in the letter of 3<sup>rd</sup> August 2015

The Senior Licensing Officer stated that in recent years there has been an increasing concern voiced by other car boot sale licence holders is the number of events that have to be postponed or become a washout due to inclement weather. Often they would like to rearrange for the following day or weekend but at present this is not possible under the existing policy.

The Senior Licensing Officer also advised that if the Committee change the number of permitted events per year from 12 to 14 the notice required will have also to be amended from 14 to 5 days.

Mr Robert Prentice addressed the Committee. He urged the Committee to alter condition 1 of existing policy and allow Car boot to take place on a weekly basis. He asked the committee to remove the restriction on 12 events per year and advised the increase number of event will increase the amount of money donated to charities and philanthropic bodies.

In response to questions from the Committee Mr Prentice advised that 75% of the proceeds go to charity and philanthropic causes.

The Committee expressed their concern that the charities listed in the report were not all local charities.

Mr Prentice advised that the 25% not donated to Charities and philanthropic causes are to cover costs such as land hire and that all litter is cleared after the event.

Councillor Malpas proposed the decision be deferred and a working party put together to review car boot policy and bring in an up to date policy fit for purpose to be ratified by full Council.

Upon a vote the motion fell.

The Chair referred the committee to point 5 on P51 of the report and the options available to them. The Senior Licensing Officer advised point 5.3 is the best option.

## **RESOLVED**

The Committee **AGREED** to amend the number of car boot sales per year from 12 to 14.

The Committee **AGREED** to amend condition 2 of the car boot sales policy that the Council will be notified 5 days in advance when an event is to take place rather than 14.

The Committee **AGREED** the notice period for rearrangement of car boot sale events is at Officers discretion.

The Committee **AGREED** that car boot sales would be held on weekend and bank holidays only.

## **8. 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.

## **9. REVIEW OF PRIVATE HIRE DRIVER'S LICENCE**

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

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

### **RESOLVED:**

The Committee decided to revoke the Driver's licence

## **10. PRIVATE HIRE DRIVER - NEW APPLICATION**

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

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

### **RESOLVED:**

The committee decided unanimously that on a balance of probability the Applicant was a fit and proper person to be licensed as a private hire driver and he was therefore granted his licence.

## **11. REVIEW OF COMBINED DRIVER'S LICENCE**

The Senior Licensing Officer outlined the circumstances set out in the report

The Committee heard the representations made and reached a decision with regard to any further action to be taken.

### **RESOLVED:**

The committee decided unanimously that the Driver was not on a balance of probability a fit and proper person to be licensed and decided by a majority to suspend his driver's licence for 3 months

<TRAILER\_SECTION>

The meeting concluded at 20:27

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