

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Tuesday, 26 April 2016

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

### **APOLOGIES:**

#### **1. APOLOGIES**

Apologies were received from Councillor Gareth Eales

#### **2. MINUTES**

The minutes of the meeting held on the 2<sup>nd</sup> of February were agreed and signed by the Chair.

#### **3. DEPUTATIONS / PUBLIC ADDRESSES**

Hackney Driver Mr Robert Ellam addressed the committee and stated that previously it was illegal for taxis over 3 years old to operate in Northampton, however as of January 2016 there is no age limit resulting in issues such as pollution. Mr Ellam advised that he does not want the taxi ranks Northampton over run by a large number of drivers and referred to a survey done to investigate how many taxis needed in Northampton.

In response to questions from the committee Mr Ellam advised he is referring to hackney drivers and not private hire drivers.

The Senior Licensing Officer advised that the limit on the amount of taxis in Northampton was removed in the late 90s and The Licensing Enforcement Officer advised that there are approx 150 hackneys at the moment in Northampton.

#### **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. GAMBLING ACT 2005 - APPLICATION FOR AN UFEC PERMIT**

The Senior Licensing Officer presented the report and elaborated thereon. It was advised that the initial purpose of the report was:

1.1 That the Committee consider 2 new applications for the new grant of an Unlicensed Family Entertainment Centre Gaming Machine Permit; and

1.2 That the Committee consider giving notice that an existing unlicensed family entertainment centre gaming machine permit is no longer being used as a family entertainment centre.

However it was advised that the applicant had withdrawn both applications for the new grant of an Unlicensed Family Entertainment Centre Gaming Machine Permit and therefore the committee must only consider point 1.2. The Senior Licensing Officer stated that this will

remove all category D machines at Weston Favell centre which will only leave machines that do not require permissions. It would then be the responsibility of the Licensing department to visit Weston Favell centre occasionally to ensure there are no category D machines on site.

In response to questions from the committee the Senior Licensing Officer responded as below:

- The Permit was granted in 2014 and it is for the committee's consideration if they wish to give notice to that existing permit.
- The guidance came out after the permit was granted in 2014. Officers do not have the power to just remove the permit and so therefore was brought before the committee.

## **RESOLVED**

Thank you for attending the licensing committee to consider the Unlicensed Family Entertainment Centre Permit held by Clearhill Enterprises Ltd relating to Permit FEP0005 which relates to the premises of Weston Favell Shopping Centre, Wellingborough Road, Northampton, NN3 8JZ.

The Committee considered:

- 1) The Licensing Committee report
- 2) Guidance issued under the Gambling Act 2005
- 3) Communication received from the Gambling Commission dated 29 October 2014
- 4) The responses to questions by the committee to the Licensing Officer

The Committee decided unanimously and on a balance of probability that the current licence issued number FEP0005 should lapse in accordance with Paragraph 14, Schedule 10, Gambling Act 2005.

The reasons for the decision are:

- 1) The Committee agreed that the premises for which the permit relates was not being used as a family entertainment centre
- 2) The placement of the machines in their current location encourages ambient gambling

The definition of a family entertainment centre pursuant to the above legislation is "premises wholly or mainly used for making gaming machines available for use"

The committee were satisfied that the area where the current machines were located did not meet the criteria of family entertainment centre.

Any person aggrieved by this decision has a right to appeal the decision to the Magistrates Court no later than 21 days after receiving the determination.

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## **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. 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.

## **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 unanimously to revoke the Private Hire Driver's licence.

<TRAILER\_SECTION>

The meeting concluded at 19:06

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