

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Monday, 11 February 2013

**PRESENT:** Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Beardsworth, Capstick, Duncan, Eales, Ford, Patel, Sargeant, Strachan and Wire.

### 1. APOLOGIES

There were none.

### 2. MINUTES

The minutes of the meeting held on 11 December 2012 were confirmed and signed by the Chair as a true record.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

Chief Constable Adrian Lee and Mark Sawyer of Pubwatch were granted leave to address the Committee in respect of item 6: Early Morning Restriction Orders and Late Night Levy, and Mr Gallone, Mr O'Boyle and Mr Brindisi in respect of item 7: Street Trading Fees and Consents.

### 4. DECLARATIONS OF INTEREST

Councillor Ford declared a personal interest in item no. 8: Review of Car Boot Sale Conditions and Fees as a member of the Board of the Sixfields Trust. He and the Board had a particular preference and therefore he considered his views were pre-determined and so he left the room and took no part in the discussion or voting on the item.

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

There were none.

### 6. EARLY MORNING RESTRICTION ORDERS AND LATE NIGHT LEVY

A Senior Licensing Officer presented a report in respect of changes made to the Licensing Act 2003 through The Police Reform and Social Responsibility Act 2011 with regard to Early Morning Restriction Orders (EMROs) and Late Night Levies. The changes with regard to both these areas only took effect on 31 October 2012.

The Senior Licensing Officer made it clear that the report was to determine if Councillors wished to move forward with the local authority seeking views and compiling evidence on the implementation of any EMRO. If the Committee decided to move forward with it, it would then allow applications for EMROs to be made to this authority. The Senior Licensing Officer went on to state that when evidence had been gathered and there was a suggestion that an EMRO was a possible solution, then this would be brought back before the Committee for the Licensing Committee to consider the evidence and decide if there should be a move forward onto the formal consultation process.

Chief Constable Adrian Lee addressed the Committee. He stated that the Police were in favour of an Early Morning Restriction Order in Northampton but considered that it was right not to pursue a Late Night Levy in the foreseeable future. The legislation allowed EMROs to cover the period midnight-6am but his preference, if an application for one was to be made,

would be from 2am or 3am until 6am as this was the time period in which most of the crime and anti-social behaviour took place in the town centre. The Police would work with licensees to improve safety and opportunities for enjoyment in the town centre. As part of any proposed consultation in the future the Police would work with the trade, such as licensees, other parties to produce evidence and would seek data from the NHS and the hospital A&E department about alcohol related injuries and issues.

In answer to a Member's Question, the Chief Constable stated that he did not consider the current licensing arrangements were working well and that there were problems with anti-social behaviour, particularly in areas like Bridge Street at around 3am and these were taking up many Police resources. He wanted to make the town centre a safer place.

Mark Sawyer, a licensee and Pubwatch representative addressed the Committee. He stated that licensees worked closely with the Police and tried to run their premises in the correct manner. He did not necessarily disagree with EMROs but the imposition of one would mean that some town centre late night premises would go out of business. He stated that people were now going out drinking at later times and had often had several cheap drinks before they went out ("pre loading"). Licensees did not know how long it would be before such people then caused problems in their premises and when they were evicted they then caused issues on the street for the Police. This was a wider issue and he was not sure what action could be taken. He suggested that taxi drivers might be asked not to bring people into the town centre if those people were drunk. People could also be encouraged to begin their nights out earlier and finish them earlier than many currently did.

A Member stated that one of the intentions of 24 hour licensing had been to prevent licensed premises all emptying at the same time and large numbers of people being discharged on to the streets together and insufficient taxis to take them all home. He suggested that an EMRO would re-create that same situation.

The Chief Executive confirmed that the Committee was not being asked to agree a consultation at this stage but to agree that if an EMRO is applied for, evidence be gathered regarding the feasibility of imposing an EMRO. The Committee would then consider whether consultation should take place in relation to the application for that particular EMRO. That consultation, if agreed, would include all licensees. At any meeting held at the initial application stage, the Committee would receive information on the numbers of premises which would be affected and how any EMRO could be imposed and managed.

It was noted that the final decision on whether or not an EMRO was made in the Borough, either covering all or only certain parts of the Borough would be made by Full Council, based on recommendations from a future meeting of this Committee.

Members, after consideration, felt that it would be inappropriate to introduce a borough wide Late Night Levy in the Borough in the foreseeable future.

**RESOLVED:**

1. That the contents of the report be noted.
2. That the feasibility of adopting and implementing Early Morning Restriction Orders within the Borough of Northampton be investigated.
3. That a full consultation process for an Early Morning Restriction Order be commenced if any future proposals are agreed.
4. That it be agreed not to proceed with a Late Night Levy for the Borough of

Northampton for the foreseeable future.

## **7. STREET TRADING FEES AND CONSENTS**

A Senior Licensing Officer informed the Committee of the results of the consultation undertaken regarding the proposed increase in street trading fees and amendments to the street trading consent locations. Three objections had been received to the proposals. The Committee had agreed the consultation at its previous meeting, held on 11 December 2012.

It was noted that the actual locations for street trading were still to be considered and would be brought to the Committee at a future meeting. Also noted was a revised Appendix 4 to the report, which was tabled, showing the updated income structure to include future income projections against expenditure.

Mr Gallone (ice cream seller) addressed the Committee. He stated that Gallone's Ice Cream had been trading at the Abington Park site for at least eighty years and was concerned that the Council wished to move his position on the basis of road safety issues. A Freedom of Information request had indicated that there had been no such issues since records began. He stated that the current fees were very reasonable but the proposals would represent a 600% increase in fees over three years and that all he received for the fees was a pitch. He asked that if the fees were increased that the pitch be marked out for his van. He stated that any increases in fees would have to be passed on to customers, which would make his ice creams less affordable to families visiting the park in the current economic climate. Mr Gallone stated that there were three concessions, including his own, very close together and that realistically they were one unit.

A Member expressed concerns about the site of the concession as it was on a through road. The Senior Licensing Officer stated that the Committee was not being asked to consider locations at this meeting. She also stated that the fees referred to by Mr Gallone were those proposed for new premium park sites and not for all street traders and that market traders had a different fee structure.

Mr O'Boyle (fast food seller) stated that he operated on a site on an industrial estate. He appreciated that the fees had to be increased but his fees would rise from £500 to £1,000 in one year and he had already had to reduce his trading from six to five days per week. He had opened at 7am on the morning of 11 February 2013 but not had a customer until 9am. Mr O'Boyle stated that industrial units were closing, which affected his business, and that he was facing competition from fast food vans which were operating out of commercial units. These operators did not pay site fees, as he did, but did pay business rates.

Mr Brindisi (ice cream seller) addressed the Committee. He stated that he operated a concession on the Abington Park site next to Mr Gallone and that many of the points he wished to make had already been raised by Mr Gallone. Mr Brindisi stated that he and Mr Gallone were local businesses and might not be able to continue as the proposed increases were not sustainable. He queried if it was intended to increase fees after the three year period quoted in the report. (The Senior Licensing Officer stated that the proposed increases would bring the fees into line with those of similar local authorities and bring the income in line to recover costs. All licensing fees would then be looked at on a regular basis, probably annually, to decide if an increase was needed to reflect the delivery of service costs.)

In answer to Members' questions, Mr Brindisi stated that the increase in fees would amount to 600% over the three year period quoted in the report (2013/14-2015/16). A Member queried this increase as it seemed inaccurate. The Senior Licensing Officer stated that this was the trader's projection by adding the 200% increase to each year through to 2016.

Members considered that the proposed increases were excessive and that the street traders should not be penalised by such a large increase as a result of the Council not increasing its fees since they were introduced in 2003. It was suggested that the officers should look at the issue again and consider how the Street Trading fees might be more gradually increased

**RESOLVED:**

That the officers be asked to re-consider the proposed increases to Street Trading fees and present a revised report to the Committee indicating a more phased increase.

**8. REVIEW OF CAR BOOT SALE CONDITIONS AND FEES**

Councillor Ford declared a personal interest in this item as a member of the Board of the Sixfields Trust. He and the Board had a particular preference and therefore he considered his views were pre-determined and so he left the room and took no part in the discussion or voting on the item.

It was noted that permits for car boot sales were only issued to recognised charities or non-profit making bodies and that traders were not allowed to operate at these events.

**RESOLVED:**

That with effect from 1 March 2013:

- (i) Fees for Car Boot Sales be increased in line with Appendix A of the officers' report;
- (ii) That following requests from the organisers of such events the existing Car Boot Sale Conditions (1) and (3) of the Borough be amended to read:

(1) Frequency, Size and Number of Events

No more than 12 car boot sales or similar events ("events") may be held on any one site per year, with at least 14 days between each event. Organisers should ascertain whether planning permission is required. Each event shall be limited to not more than 200 pitches.

(3) Duration of Events

Events in residential areas shall not commence before 8.00am and shall finish no later than 4.00pm, with a maximum duration of four hours.

**9. REVIEW OF HACKNEY AND PRIVATE HIRE FEES**

The Chair announced that this item had been deferred due to the number of other reports to be considered at this meeting. The report would be considered at the next meeting of the Committee, as that would still be within the statutory time period for the results of the consultation to be considered.

**10. 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 paragraph (1) of Schedule 12A to such Act.

The Motion was Carried.

## **11. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

A Senior Licensing Officer outlined the circumstances of the applicant in relation to the application.

The Committee heard the representations made by the applicant and reached a decision with regard to action to be taken on the basis of the evidence presented and the representations made.

### **RESOLVED:**

That the applicant on a balance of probability, taking his convictions into account, was not a fit and proper person to hold a Private Hire Driver's Licence.

## **12. HOUSE TO HOUSE APPLICATION**

A Senior Licensing Officer outlined the circumstances of the application set out in the report. The applicant had not previously applied for a House to House Collection permit in the Borough of Northampton and did not hold a National Exemption Order.

The Senior Licensing Officer stated that the applicant had been contacted and stated that he was aware of the date of the Committee meeting but was not present at the meeting. The applicant had been requested to provide further information in respect of the application but this had not been received. The applicant had also indicated that he wished to change some details of the application and the changes had been requested in writing but had not been received.

### **RESOLVED:**

That the application be not granted on the following grounds:

- (i) That the total amount likely to be applied for charitable purposes as a result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);
- (ii) That the applicant of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the application.

The meeting concluded at 8:05 pm.