

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 10 December 2013

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

APOLOGIES: Councillor Duncan

1. APOLOGIES

Apologies were received from Councillor Duncan.

2. MINUTES

The minutes of the meeting held on 5 November 2013 were agreed and signed by the Chair, with the amendment of the word "offers" to "officers" in the first bullet point of minute 13.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

4. DECLARATIONS OF INTEREST

None.

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

The Chair stated that he and Councillor Hibbert had recently attended a Member training day at the Institute of licensing annual conference in Birmingham and that this Council was following best practice in connection with licensing hearings. The Chair stated that the only exception to this was that the Committee's determinations did not always contain sufficient evidence as to how the decision was reached and relied on the minutes of the meeting for that information. He considered it was important that the determination should contain all the information on how the decision had been reached as magistrates, in an appeal situation, did not always look at the minutes in relation to a determination.

The Chair stated that he had congratulated the officers on being consistent with best practice.

6. FIXED ODDS BETTING TERMINALS

The Senior Licensing Officer presented a report on issues relating to Fixed Odds Betting Terminals (FOBTs). He stated that a number of local authorities were lobbying the Government regarding concerns about FOBTs and suggested that if they were successful the Council should follow a similar route.

Members' expressed concerns about the prevalence of FOBTs and the dangers for vulnerable people. A question was asked if a byelaw relating to the machines could be imposed in the Borough. The Senior Licensing Officer stated that any byelaw would need to be signed off by the Home Office and they had not done so in the past when the Council had wanted to introduce Hackney Carriage byelaws. He suggested that it would be preferable to monitor the progress made by other local authorities, particularly Liverpool and Lambeth, in lobbying the Government.

Members expressed the view that they would wish to see the Council being more proactive,

especially as there was a duty of care to residents, and to lobby the Government. The Senior Licensing officer stated that both Lambeth and Liverpool have had complaints made to them in respect of FOBTs, and Liverpool had a serious problem with the machines. No complaints had been made to this Council and action would have been recommended to the Committee if any had been received.

It was noted that fourteen local authorities in London wanted to use the Sustainable Communities Act 2007 to control the spread and activities of betting shops, where many FOBTs were placed. Members asked the officers to look further into this and other legislation and to report back to the Committee in April 2014.

RESOLVED:

That the officers look into the effect of FOBTs in the Borough and report back to the Committee in April 2014 on this issue, including legislation available to control the use of Fixed Odds Betting Terminals.

7. STREET TRADING CONSENT

The Senior Licensing Officer presented a report seeking to relocate a Street trading Consent Site from its current position to the preferred option site in an attempt to confirm a safer location for the trader to operate. Photographs of the current site and proposed new site were circulated at the meeting.

The Senior Licensing Officer stated that the site could be adopted if the Council wished to do so.

Any objections to the proposal to designate the street trading consent site would be reported to the next meeting of the Committee for consideration.

RESOLVED:

That notice be published in a local newspaper of the intention that with effect from 1 February 2014 the existing Street Trading Consent Site in Gowerton Road, Brackmills, Northampton be 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.

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 HACKNEY DRIVER'S LICENCE

The Senior Licensing Officer stated that the title of the report in the agenda was incorrect and that the Committee were being asked to review a Private Hire Driver's Licence, and not a Hackney Driver's Licence.

The Committee heard evidence and a witness was called.

RESOLVED:

That the Private Hire Driver's Licence not be re-issued.

The meeting concluded at 7:46 pm