

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING COMMITTEE

Tuesday, 17 March 2015

**PRESENT:** Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Ansell, Eales, Hibbert, Larratt and Stone.

### 1. APOLOGIES

Apologies were received from Councillors King, Mennell and Sargeant.

### 2. MINUTES

The minutes of the meeting held on 3 February 2015 were agreed and signed by the Chair.

Further to minute 5, Councillor Hill stated that he had been unable to attend the launch of the Gambling Commission's *Guidance to Licensing Authorities* on 17 March 2015 and no other member of the Committee had been able to attend.

### 3. DEPUTATIONS / PUBLIC ADDRESSES

The following members of the public were granted leave to address the Committee in respect of item 6 – Racecourse Street Trading Consent:

- Ian Bates, Umbrella Fair Organisation;
- Sean Silver, Chair, Umbrella Fair Organisation and
- Delaney Fifield, Friends of Northampton Racecourse committee member and Chair/Secretary of FFA Escola.

### 4. DECLARATIONS OF INTEREST

Councillor Ansell declared a personal non-pecuniary interest in item 6 – Racecourse Street Trading Consent as he knew one of the registered public speakers, Mr Bates.

Councillor Hill declared a personal non-pecuniary interest in item 6 – Racecourse Street Trading Consent as he knew one of the registered public speakers, Mr Silver.

Councillors Malpas and Stone declared personal non-pecuniary interests in item 6 – Racecourse Street Trading Consent as they knew two of the registered public speakers, Mr Bates and Mr Silver.

Councillor Malpas declared a personal non-pecuniary interest in item 7 – Street Collection Permit Application as he sat on a charity which had applied for and been granted a street collection permit for an event which would take place later in the year. He stated that he had been advised that he could take part in the consideration of this item.

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

The Chair stated that this was the last meeting of the Committee before the beginning of Purdah but members could still be called upon to sit on reviews and hearings if they arose. Any members of the Committee who were re-elected at the Borough Council elections on 7 May 2015 would remain on call for such cases until the Annual Meeting of the Council elected a new Licensing Committee.

The Senior Licensing Officer stated that there were a number of cases involving Hackney Carriage and Private Hire Drivers which needed to be considered and asked that an extra meeting of the Committee be arranged to consider them. It was agreed that the Democratic Services Officer contact members of the Committee to arrange a meeting, to be held in the daytime.

## **6. RACECOURSE STREET TRADING CONSENT**

The Senior Licensing Officer updated the Committee on the consultation regarding the proposed adoption of street trading consents on the Racecourse, Northampton. The Committee at its previous meeting (on 3 February 2015 had deferred a decision on consultation to allow Committee members to take part in a site visit on 6 February 2015 to look at potential sites and given the Chair and Deputy Chair delegated authority to decide the sites to consult on following the site visit, with any representations to be considered at this meeting. Notes from the site meeting were appended to the minutes of the Committee meeting of 6 February 2015.

Five representations had been received to the consultation, including one circulated to members and included in the updated agenda online. Three representations were in support, another strongly supported the Kingsley Road site and one objection was received to the proposals.

The following members of the public who had been given leave to address the Committee then presented their views, as summarised below:

### Sean Silver, Chair, Umbrella Fair Organisation (UFO)

The UFO had a lease for the pavilion at the Racecourse and were developing a café there. They considered there were too many catering proposals for the size of the park. The UFO were promoting healthy eating and healthy living and did not consider that "burger vans" were in keeping with that approach, particularly as they would be sited close to the University and a major school and would not send out a message about healthy eating. There were also concerns regarding the potential for litter. It was not considered that these temporary catering units would support the park.

In answer to questions from members Mr Silver responded as summarised below:

- The needs of the football community were appreciated and could be met through developing the café and providing "pop up" facilities, possibly in the disused toilet block. Home cooked food would be provided with all ingredients listed.
- The pavilion café was not open yet and a planning application would be submitted for the facility. It was intended to open the café 365 days a year, at the times people needed it and the income would be used for the racecourse.
- The café would be vegetarian, to promote healthy and environmental lifestyles. Mr Silver was a meat eater himself and said everyone ate vegetables and that visitors enjoyed the vegetarian foods which were the only ones available at the Umbrella Fair event.
- Mr Silver had spoken to the Friends of the Racecourse and some park users and it was his interpretation that people wanted a healthy, sports based facility on the Racecourse.
- He believed that people wanted a proper standard of presentation and not transient catering vans which came on to the park and left at the end of the day.
- If street trading sites were agreed the UFO would potentially be interested in making a bid for one of the sites.

Ian Bates, Chair, Friends of Northampton Racecourse (FONR) and Umbrella Fair Organisation (UFO)

The FONR had been working for many years to raise the profile of the Racecourse, which had suffered from being seen as poor quality, which would not be helped by the introduction of "burger vans." The FONR wanted a high quality café in the park. The NBC Cabinet in 2013 had agreed the development of a community facility at the Racecourse. The Friends had not intended to develop a café but that was the facility people had asked for. It was intended to offer catering facilities on Saturdays from late March 2015 until the café was open. Street trading pitches would have a detrimental impact on the park and if more catering facilities were needed FONR would be interested in developing them at the disused toilet block at the Leicester Street end of the Racecourse, although that was not currently on the FONR "radar." It was not considered that "burger vans" would be in keeping with the park.

The Chair stated that the Committee were looking only at the possibility of creating pitches at this meeting, not at what should be sold on any pitches created. The Committee could make recommendations to the officers on what should be sold at each pitch if it was decided to create pitches,

In answer to questions from members Mr Bates responded as summarised below:

- The FONR wanted a quality feel in the park and would be happy for the sale ice cream from a pitch in the park.
- Ice creams would probably be sold through a vendor when the café was in operation.

Delaney Fifield, Friends of Northampton Racecourse (FONR) and Chair/Secretary of FFA Escola.

FFA belonged to an elite group of FA Community Clubs and provided high quality footballing activities for children from the ages of three and four up to adults. There could be 60-100 players and the same number of spectators for the "Little Messis" group and they required refreshments. The FFA needed the Racecourse to play and train on and needed food and drink available for their players and the parents and an application had been submitted for the provision of food and drink. There was a need to make the park more welcoming to encourage people to come back or they would go elsewhere and the club would fold. Sport was considered to be more healthy than the food people ate and people should be encouraged to participate in sport to get healthy. People had different requirements for food and FFA and the café could signpost people to each other for food and drink. Very young children became agitated if their parents went out of sight to buy food and drink so catering pitches were needed near the sports pitches.

In answer to questions from members Mr Fifield responded as summarised below:

- For health and safety reasons parents were encouraged to stay with their children and to supervise them on site. Food and drink near the sports pitches was essential to stop parents walking off to buy them. The pavilion was too far away for parents to walk to and remain in sight of their children.
- The Kingsley Road pitch was close to the highway but FFA could make a boundary of placards or bollards to prevent people walking into the road.
- Regular drink breaks were essential for the footballers and bottles needed to be available on the pitchside.
- Some parents might bring their own drinks for their children and themselves but there

was a need for a catering facility near the football pitches.

- A catering facility would be required on Saturday mornings and on Tuesday evenings when there could be 170 players training between 6.00pm and 8.00pm in the Trinity Avenue area of the park.
- FFA suggested a mutual signposting between the café and the catering pitches.

The Committee then considered the issues raised. It was noted that the viability of pitches in the park was a matter for traders to consider, not an issue for the Committee to consider. Also, the possibility of any catering use of the disused toilet block on the Racecourse fell outside the Committee's remit. The block was a capital asset and fell within the remit of the Cabinet.

The Committee supported the work which was being undertaken at the Racecourse by all parties and the intention to create a café in the pavilion but considered there should be a choice in the catering offered at the park. It was considered that there was a specific catering need for footballers and their families using the Racecourse.

The Committee considered that the site on Kingsley Road, which had been requested by one group, was suitable but that railings should be placed there to keep children away from the road. NBC could be asked to provide railings if sited at the edge of the park or NCC if the railings were along the highway. The pitch to be open at weekends and Bank Holidays when the nearby schools were closed to avoid encouraging schoolchildren to eat fast food. The park entrance at Shakespeare Road was considered a suitable pitch for an ice cream van, with the present unauthorised trader parking on the other side of the bollards moved on.

## **RESOLVED:**

That after consideration of the representations received objecting to and supporting the adoption of street trading pitches on the Racecourse, it be agreed that street trading pitches be adopted on the Racecourse from 1 April 2015 at the following locations:

- Park entrance, Kingsley Road, approximately 75m from the junction with Kettering Road – Saturdays, Sundays and Bank Holidays all year round;
- Park entrance, Shakespeare Road – ice cream van on the same basis as at Abington Park (i.e. seven days a week, all year round).

## **7. STREET COLLECTION PERMIT APPLICATION**

The Senior Licensing Officer presented an application from Recovery, a mental health charity, for a street collection permit in Northampton on a provisional date of Saturday 9 May 2015. As the applicant had not previously been granted a permit in Northampton the application could not be considered under the officers' delegated authority.

It was noted that although Recovery stated in their supporting email that though they are based in Leicester they have clients all over England, including Northampton, the charity's area of benefit is stated as Leicester, Leicestershire and Rutland on the Charity Commission's website. No evidence had been provided of any clients in Northampton and a member stated that enquiries he had pursued had not produced any indications of clients in the Borough. The Council's Street Collections Policy states that permits will only be issued to charities that directly benefit the residents of Northampton or with a local connection. The Committee could make exceptions to the policy if it wished to do so.

It was also noted that although in section 6 of the application the charity indicated that 100% of the proceeds of collection would go to charitable purposes the charity's accounts for 2012

indicated that 51.84% (£27,552 out of £53,146 total incomings) went to wages, including consultants' fees and training. In 2013 the accounts showed that figure was 69.58% (£32,897 out of £47,277 total incomings).

The charity had been invited to send a representative to attend the meeting, although this was optional, but had not been able to do so.

**RESOLVED:**

That the application by Recovery for a street collection permit in Northampton be refused on the grounds that:

1. No evidence had been provided of Recovery helping or involving people in the Borough and the charity was not a national body;
2. That the accounts provided for 2012 and 2013 indicated that 51.84% and 69.58% respectively of total incomings went on wages, including consultants' fees and training, although the charity had indicated in their application form that 100% of the proceeds of collections would go towards charitable purposes.

**8. THANKS TO MEMBERS OF THE COMMITTEE**

As this was the last meeting before the Borough elections on 7 May 2015 the chair thanked Committee members for their work over the year. He referred to the member for Kingsley who had not attended a Committee or Sub-Committee meeting throughout the year. He was thanked in return for his Chairmanship of the Committee.

The Committee passed their thanks and best wishes to Mr Phil Bayliss, Senior Licensing Officer, who would be leaving the Council shortly.

The meeting concluded at 7:17 pm