



Taxi & General Licensing Committee

A meeting of the Taxi & General Licensing Committee will be held in The Jeffrey Room at The Guildhall, Northampton, NN1 1DE on Tuesday 18 April 2023 at 6.00 pm

Agenda

| | |
|----|---|
| 1. | Apologies for Absence and Notification of Substitute Members |
| 2. | <p>Declarations of Interest</p> <p>Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.</p> |
| 3. | <p>Minutes (Pages 5 - 8)</p> <p>To confirm the Minutes of the meeting of the Committee held on 24 January 2023.</p> |
| 4. | <p>Chair's Announcements</p> <p>To receive communications from the Chair.</p> |
| 5. | <p>Approval of the designation of streets for the purpose of Street Trading in the West Northamptonshire Council area (Pages 9 - 18)</p> <p>Report of the Assistant Director – Regulatory Services</p> <p>Purpose of report</p> <p>To ask the Committee to approve the designation of streets for the purposes of Street Trading.</p> <p>Recommendations</p> <p>The Committee is recommended to:</p> <p>(1) Pass a resolution to designate certain streets as prohibited or consent streets for the purposes of street trading in accordance with the list in Appendix A and as detailed in the statutory notice published on the 9th of March 2023 (Appendix B).</p> |

6. Urgent Business

The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.

Catherine Whitehead
Proper Officer
6 April 2023

Taxi & General Licensing Committee Members:

| | |
|--------------------------------------|-------------------------------------|
| Councillor Andrew Kilbride (Chair) | Councillor Mike Warren (Vice-Chair) |
| Councillor Sally Beardsworth | Councillor Alan Chantler |
| Councillor Imran Ahmed Chowdhury BEM | Councillor Maggie Clubley |
| Councillor Gareth Eales | Councillor Terry Gilford |
| Councillor Cheryl Hawes | Councillor Keith Holland-Delamere |
| Councillor Mark Hughes | Councillor Jake Roberts |
| Councillor Brian Sargeant | Councillor Richard Solesbury-Timms |
| Councillor Winston Strachan | |

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

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Queries Regarding this Agenda

If you have any queries about this agenda please contact Richard Woods / Maisie McInnes, Democratic Services via the following:

Tel: 013227 322043

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
The Guildhall
Northampton
NN1 1DE

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Taxi & General Licensing Committee

Minutes of a meeting of the Taxi & General Licensing Committee held in The Jeffrey Room at The Guildhall on Tuesday 24 January 2023 at 6.00 pm.

Present:

Councillor Andrew Kilbride (Chair)
Councillor Mike Warren (Vice-Chair)
Councillor Sally Beardsworth
Councillor Alan Chantler
Councillor Imran Ahmed Chowdhury BEM
Councillor Gareth Eales
Councillor Cheryl Hawes
Councillor Keith Holland-Delamere
Councillor Mark Hughes
Councillor Brian Sargeant
Councillor Richard Solesbury-Timms
Councillor Winston Strachan

Apologies for Absence:

Councillor Maggie Clubley
Councillor Terry Gilford
Councillor Jake Roberts

Officers:

Nicholas Sutcliffe, Licensing and Business Support Manager
James Chadwick, Senior Licensing and Litigation Solicitor
Richard Woods, Democratic Services Officer

11. Declarations of Interest

There were no declarations of interest.

12. Minutes

The minutes of the meeting of the Committee held on 15 December 2022 were agreed as a correct record and signed by the Chair.

13. Chair's Announcements

There were no announcements from the Chair.

14. **Delegation of additional Hackney Carriage and Private Hire Vehicle licensing decision making powers from Committee to Officers**

The Committee considered a report from the Assistant Director – Regulatory Services which requested the Taxi and General Licensing Committee delegate additional decision making powers concerning Hackney Carriage and Private Hire Vehicle licensing matters from the Committee to Licensing Officers.

In introducing the report, the Licensing and Environmental Support Services Manager explained that under the present constitutional arrangements, in situations where an applicant for a Hackney Carriage or Private Hire Vehicle Licence had relevant convictions or cautions, and/or had reached the threshold of nine or more penalty points on their driver's licence, the matter would be referred to a meeting of the Taxi & General Licensing Sub-Committee for a decision on whether the applicant was deemed to be a 'fit and proper person' to hold a Hackney Carriage or Private Hire Vehicle Licence.

The Licensing and Environmental Support Services Manager explained that the knock-on operational impact of this was that at present, the Assistant Director – Regulatory Services did not have the authority at present to immediately revoke a Hackney Carriage or Private Hire Vehicle Licence on the grounds of an imminent risk to public safety, and instead they would have to refer the matter to a Taxi and General Licensing Sub-Committee to determine the matter.

In response to questions from the Committee regarding why Officers had formed the view that urgent matters should be determined by the Assistant Director – Regulatory Services and not a Taxi & General Licensing Sub-Committee, the Licensing and Environmental Support Services Manager advised that the process of organising Sub-Committees, writing reports, and holding hearings was onerous and lengthy and can occasionally lead to delays of several months in determining cases. Sub-Committees must currently determine matters involving convictions for even the most minor of offences, some of which had no real bearing on whether a person is fit and proper to hold a Hackney Carriage or Private Hire Vehicle driver or operator license. Altering the scheme of delegation as proposed would have the effect of reserving and Sub-Committee hearings only for the most serious or complicated cases and speeding up the decision making process, which would also be in the best interests of the Hackney Carriage and Private Hire Vehicle trades.

It was proposed by Councillor Gareth Eales and seconded by Councillor Sally Beardsworth that authority be delegated to the Assistant Director – Regulatory Services in consultation with the Chair of the Taxi & General Licensing Committee to make decisions concerning Hackney Carriage and Private Hire Vehicle licensing matters where there is perceived to be an imminent risk to public safety which would justify the use of the power under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 to revoke a driver's license with immediate effect, in circumstances where the holder of an current Hackney Carriage or Private Hire Vehicle driver's license has relevant convictions and/or cautions and/or has nine or more points on their DVLA driving licence.

The motion was put to the vote with eleven votes cast in favour of the proposal and one cast against, therefore the motion was carried.

Resolved

- (1) That authority be delegated to the Assistant Director – Regulatory Services in consultation with the Chair of the Taxi & General Licensing Committee to make decisions concerning Hackney Carriage and Private Hire Vehicle licensing matters where there is perceived to be an imminent risk to public safety which would justify the use of the power under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 to revoke a driver’s license with immediate effect, in circumstances where the holder of an current Hackney Carriage or Private Hire Vehicle driver’s license has relevant convictions and/or cautions and/or has nine or more points on their DVLA driving licence.

15. **Draft Street Trading Policy**

The Committee considered a report from the Assistant Director – Regulatory Services which requested the Committee to commence the creation of a West Northamptonshire Council Street Trading licensing regime under the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) and to approve a draft designation of streets for the purposes of Street Trading and a draft Council Street Trading policy, both of which will then be the subject of a statutory and public consultation process and a further report to Committee.

In introducing the report, the Licensing and Environmental Support Services Manager explained that the Draft Street Trading Policy sought to simplify and updates the three predecessor councils’ street trading policies, which remain in force until expressly replaced by West Northamptonshire Council, due to the operation of local government reorganisation legislation, and to ensure consistency of approach with regard to Street Trading throughout the West Northamptonshire Council area.

A fair, clear, and consistent West Northamptonshire Council Street Trading licensing regime, underpinned by a single, unified policy, would therefore ensure that the Council can put in place controls to protect the public and provide a level playing field for street traders. It would also allow the Council to attach conditions to consents or licenses in relation to food hygiene and make sure that licence holders keep the licensed sites clean.

Resolved

- (1) That it Schedule 4 of the 1982 Act shall henceforth apply to the District area of West Northamptonshire Council for the purpose of regulating street trading in accordance with the Act.
- (2) That the draft Council Street Trading Policy be approved for statutory and public consultation, the results of which will be the subject of a further report to Committee with a view to formally making a Council Street Trading Policy.

- (3) That the draft designation of streets be agreed for statutory and public consultation, the results of which will also be the subject of a further report to Committee with a view to it formally making a resolution regarding the designation of streets within the Council's area for the purposes of Street Trading.

16. **Urgent Business**

There were no items of urgent business.

The meeting closed at 6.33 pm

Chair: _____

Date: _____

West Northamptonshire Council
Taxi and General Licensing Committee

18 April 2023

**Approval of the designation of streets for the
purpose of Street Trading in the West
Northamptonshire Council area**

Report of the Assistant Director – Regulatory Services

This report is public

Purpose of report

To ask the Committee to approve the designation of streets for the purposes of Street Trading.

1.0 Recommendations

The Committee is recommended to:

- (i) Pass a resolution to designate certain streets as prohibited or consent streets for the purposes of street trading in accordance with the list in Appendix A and as detailed in the statutory notice published on the 9th of March 2023 (Appendix B).

2.0 Introduction

- 2.1 On the 24th of January 2023 the Committee agreed with the recommendation in relation to the designation of streets in the West Northants Council area as prohibited or consent for the purposes of street trading.
- 2.2 Following that meeting, in accordance with the statutory requirements, a notice was published on the 9th of March 2023 which invited representations in respect of the Council's intention to pass a resolution to so designate those streets.
- 2.3 Before deciding whether to pass such a resolution the Committee must consider any representations in response to the notice of the 9th of March 2023.

3.0 Report Details

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 prescribes a statutory process to be followed in relation to the designation of prohibited, licensed and consent streets for the purpose of street trading.
- 3.2 The Act requires publication of a notice of intention to make a resolution to designate streets prior to any such resolution being made. Should such a resolution be made 2 further notices must be published before any designation comes into force.
- 3.3 The table below is an indicative timetable for the making of the resolution and publication of statutory notices.

| | |
|----------------------|--|
| 9 March 2023 | Newspaper notice advertising proposal to make a resolution. |
| 18 April 2023 | Report to Committee to consider any representations from the above notice and make the resolution. |
| 27 April 2023 | First post resolution newspaper notice a minimum of 28 days before the resolution comes into effect. |
| 4 May 2023 | Second post resolution newspaper notice no later than 7 days after the first post resolution notice. |
| 25 May 2023 | Designation comes into force, a minimum of 28 days after the first post resolution notice. |

- 3.4 On the 9th of March 2023 a notice was published in the Northampton Chronicle and Echo giving notice of the Council's intention to make a resolution in relation to the designation of prohibited and consent streets for the purpose of street trading.
- 3.6 The Act prescribes a period of 28 days from the date of publication of the notice for any representations to be made in respect of the intention to make a resolution.
- 3.7 The Act also requires that the chief officer of police and the highway authority responsible for any streets to which the proposal relates are consulted with.
- 3.8 We received one representation from a business currently trading in the area (**Appendix C**). The business in question has been trading illegally on a prohibited street and would like the designation of that street changing from prohibited to consent. The location is a lay-by on the Harlestone Road close to Harlestone Firs. It is currently prohibited as the road has a 40mph speed limit and the lay-by is open with no buffer between it and the road.

4.0 Conclusion and Reasons for Recommendations

4.1 The Committee is recommended to:

- (i) Pass a resolution to designate certain streets as prohibited or consent streets for the purposes of street trading in accordance with the list in Appendix A and as detailed in the statutory notice published on the 9th of March 2023 (Appendix B)

5.0 Consultation

5.1 There is no consultation.

6.0 Implications

6.1 Financial and resource implications

6.1.1 There are no financial implications arising directly from this report.

Comments checked by Robbie McRobbie (Senior Finance Business Partner) on behalf of Dawn Leader, Strategic Finance Business Partner,
dawn.leader@westnorthants.gov.uk

6.2 Legal implications

6.2.1 The remaining legal processes required to lawfully bring the proposed designations into force are set out at paragraph 3.3 above.

6.2.2 Any street designation resolution passed by a Council may be varied or rescinded by a subsequent resolution, if required.

Comments provided by James Chadwick, Principal Lawyer, Legal Services.

6.3 Comms implications

The outcomes of the report will be communicated via the relevant WNC channels.

*Checked by Beth Longhurst, Communications Lead
communications@westnorthants.gov.uk*

8.0 Decision Information

Wards Affected

All wards

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Councillor David Smith, Portfolio Holder for Community Safety

Document Information

| Appendix No | Title |
|----------------------------|--|
| Appendix A | Designated Streets List |
| Appendix B | Public Notice 9 th March 2023 |
| Appendix C | Gallone Representation |
| Background Papers | |
| | |
| Report Author | Nicholas Sutcliffe Licensing and Environmental Support Services Manager |
| Contact Information | 01327 322193 Nicholas.sutcliffe@westnorthants.gov.uk |

Appendix A – Prohibited Streets

Northampton Area

The following roads and streets including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 10 metres shall be designated as prohibited streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

A THE CENTRAL AREA

Abington Street, Albert Place, Albion Place, Angel Street, Bradshaw Street, Bridge Street, Broad Street, Campbell Square, Campbell Street, Castilian Street, Castilian Terrace, Cheyne Walk, Church Lane, College Street, Commercial Street, Deringate, The Drapery, Dychurch Lane, Fetter Street, Fish Street, Foundry Street, Gas Street, George Row, Gold Street, Greyfriars, Guildhall Road, Hazelwood Road, Horsemarket, Horseshoe Street, King Street, Kingswell Street, Lady's Lane, Lower Mounts, Mayorhold, Mercers Row, Newland, Notre Dame Mews, Regent Street The Ridings, St Giles Square, St Giles Street, St Giles Terrace, St James Place, St James Street, St Johns Street, St Katherine's Street, St Peters Way, Sheep Street, Silver Street, Spencer Parade, Spring Gardens, Swan Street, Upper Mounts, Victoria Gardens, Victoria Promenade, Victoria Street, Wellington Street, Wood Hill, Woolmonger Street, York Road.

B RADIAL ROUTES

- A508 London Road, Cotton End, Bridge Street, A43 Towcester Road, Southern Approach
- A45 Weedon Road (except for the layby on the south side thereof at Upton), Spencer Bride Road, Grafton Street, Grafton Square.
- A428 Harlestone Road, St James Road, Westbridge, Black Lion Hill.
- A50 Welford Road
- A508 Harborough Road, Kingsthorpe Road, Barrack Road.
- A43 Thorpeville Road, Booth Rise, Kettering Road North, Kettering Road, Abington Square.
- A4500 Wellingborough Road

A428 Bedford Road

C OTHER PARTS OF THE HIGHWAY NETWORK

- (i) Upton Way, Danes Camp Way, Mereway, Nene Valley Way
- (ii) Tollgate Way, Bants Lane, Mill Lane, Kingsthorpe Grove, Kingsley Road, Abington Grove, Abington Avenue, Park Avenue North, Rushmere Road.
- (iii) Park Avenue South, (other than the East side thereof from a point 139 metres (457 feet) north of its junction with Christchurch Road for a distance of 10 metres (33 feet) northwards).
- (iv) St Andrews Road, Burleigh Road.
- (v) Holly Lodge Drive, Red House Road, Talavera Way, Great Billing Way (except for the layby on the east side thereof at Rectory Farm).
- (vi) Lumbertubs Way.

Daventry Area

A43; A508; A50; A428; A5; A45; A361, A425 and the lay-by to the east of the A43 near the Hannington Crossroads, which is a 60mph speed limit

**H
P**

Date: 3.3.23

Op: Sue

Publication:

Revise: 63.3.23

3: Julia

Northampton Chronicle & Echo

Size: 80x58 DAM

AH: Teddy

PLEASE CHECK SIZE IS CORRECT

455734 W Northants X58

1:16 Mon, 06 Mar 2023

WEST NORTHAMPTONSHIRE COUNCIL**PROPOSED REGULATION OF STREET TRADING**

NOTICE IS HEREBY GIVEN that West Northamptonshire Council, pursuant to its adopted powers under Section 3 and para 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, intends to pass a resolution at the Taxi and Licensing Committee on the 18th of April to designate all streets within the West Northamptonshire Council area as either consent streets or prohibited streets for the purpose of street trading. A draft of the proposed resolution is set out below:

"RESOLVED that the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, designates all streets within the West Northamptonshire Council area as either consent streets or prohibited streets (list available on request) for the purpose of street trading.

The designation shall take effect on the 17th of May"

If the resolution is passed by the Taxi and General Licensing Committee, anyone who engages in street trading on any prohibited street or any consent street within the West Northamptonshire Council area without having obtained consent will commit an offence and will be liable on summary conviction to a fine not exceeding £1,000.

Anyone wishing to make representations about the intended resolution should do so in writing to the Licensing and Business Support Manager, at the email address below, no later than the 6th of April.

The Taxi and General Licensing Committee will consider all representations received by that date before deciding whether to pass the resolution.

Dated: 3rd March 2023

Ruth Austen, Assistant Director, Regulatory Services

Licensing.snc@westnorthants.gov.uk

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GALLONE'S

we love ice cream

MANUFACTURERS OF ICE CREAM

E Gallone Limited, 8 Welford Road, Kingsthorpe, Northampton. NN2 8AG

Telephone: 01604 715371. Email: info@gallones.co.uk

Dear Council committee

I am writing on behalf of our company, E Gallone Ltd, to request a licence to trade at Harlestone Firs.

As a family company, we have been trading at this site for over 60 years and there has NEVER been any safety issue, or concern raised.

We received a letter on 13th March from Mikolaj Waligorski, the licencing officer at Daventry Council, stating that we must cease trading at this site due to a safety concern, as this is a prohibitive road. This is the first time we have been made aware of this.

We are a well-respected, long standing local family firm and we take great pride in providing the county with the highest quality ice cream, in a safe environment. We have worked in conjunction with the council on a number of events and our customers have grown up buying our ice cream at Harlestone Firs.

This site is isolated, away from housing and next to a garden centre, in a purpose built parking bay. The traffic has recently been made calmer by the addition of a roundabout and further improvements are imminent as the new bypass will take even more traffic away from this area.

We have always taken the Health and safety of our customers into consideration and produce risk assessments for each site. (I have attached this)

I am also attaching a letter from Alan Eaton MBE, the organiser of the Hollowell Steam Rally, who we have worked with for very many years, who can vouch for our safety record.

For over 60 years, we have operated at Abington Park, now under a street vendors licence. We would be happy to discuss a similar arrangement at Harlestone Firs, if this could be arranged.

Yours Sincerely

Aldo Gallone

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