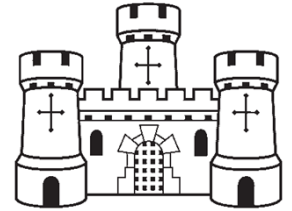


Public Document Pack

Date of meeting Tuesday, 14th March, 2017
Time 6.30 pm
Venue Civic Offices, Merrial Street, Newcastle Under Lyme, Staffordshire
ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

****Prior to the meeting, at 6.30pm Members will receive a briefing from the Chief Executive.**

Public Protection Committee

AGENDA

PART 1 – CLOSED AGENDA

- 1 Guidance Notes (for information) (Pages 3 - 18)**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in this agenda.
- 3 MINUTES OF PREVIOUS MEETING (Pages 19 - 22)**
To consider the minutes of the previous meeting(s).
- 4 DISCLOSURE OF EXEMPT INFORMATION**
To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.
- 5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - (Pages 23 - 30)
1976**
Driver – Mr MT
- 6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - (Pages 31 - 50)
1976**
Driver – Mr SA

7 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976** (Pages 51 - 76)

Driver – Mr ZI

8 **Local Government (Miscellaneous Provisions) Act - 1976** (Pages 77 - 84)

9 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976** (Pages 85 - 96)

Driver – Mr MK

10 **Clean Neighbourhoods and Environment Act 2005 - Fixed Penalty Notices.** (Pages 97 - 98)

PART 2 – OPEN AGENDA

11 **Taxi Licensing Fees and Charges 2017-18** (Pages 99 - 106)

12 **Public Space Protection Orders: Dog Control** (Pages 107 - 124)

13 **URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100(B)4 of the Local Government Act.

Members: Councillors Allport, Bloor, Burch, L Hailstones, P Hailstones, S Hambleton (Chair), T Hambleton, Matthews, Olszewski, Robinson, J Tagg, Walklate and White (Vice-Chair)

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: “no man is permitted to be judge in his own cause”;
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : “let the other side be heard”;
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person’s legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person ("reasonably informed bystander") would consider that the interest might have an influence on the exercise of the decision-maker's duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In addition to the Rules of Natural Justice, you must also have regard to the provisions of the Human Rights Act 1998.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. This rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NOTE Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence, the goodwill of a business and liquor licences.



GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS FOR THE GRANT AND RENEWAL OF LICENCES TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

GENERAL POLICY

1. Each case will be decided on its own merits
2. The Council will, as far as is possible, ensure that all persons holding a licence to drive Hackney Carriages or private hire vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including, where relevant, 'spent' convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example, where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
6. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using Hackney Carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been

imposed, for any of the following offences, the application will normally be refused:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss11A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences to those above which may replace any of the above offences

When a period of three years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As Hackney Carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of three to ten years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:-
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Or similar offence or offences which replace the above offences

- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Assault occasioning actual bodily harm which is racially aggravated

- Assault with intent to cause grievous bodily harm
- Assaulting a police officer in the execution of his duties
- Malicious wounding
- Robbery
- Racially aggravated criminal damage
- Racially aggravated fear or provocation of violence
- Racially aggravated intentional harassment, alarm or distress
- Racially aggravated harassment
- Racially aggravated putting people in fear of violence
- Riot
- Possession of an offensive weapon
- Possession of a firearm
- Violent disorder
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of five years or where the penalty is fixed by law)

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault
- Racially aggravated common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated harassment, alarm or distress
- Resisting arrest
- Obstructing a police officer in the execution of his duty
- Criminal damage
- Any similar offence or offences which replace the above offences

(c) Drugs

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five to ten years before the date of the application. However, after five years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where the application is made within three to five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances

of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least five years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of Hackney Carriages and private hire vehicles often carry passengers who are alone, or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure, they will normally be refused a licence until they can show a substantial period usually between five and ten years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

(e) Motoring Convictions

(i) Disqualification

Where an applicant had been disqualified from driving by the Courts for a serious traffic offence under Category 'A' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category 'B' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a 'totting-up' case, i.e. where an applicant has been disqualified because of several

driving offences, an application will generally be refused unless a period of one year free of conviction has elapsed since the return of the DVLA driver licence.

In 'totting-up' cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last court appearance.

(ii) Serious Traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category 'A' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category 'B' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction unless the offence was an isolated one.

Where an applicant has had more than one conviction for a serious traffic offence in either Category 'A' or 'B' of Annex (i) and the courts have not imposed a period of disqualification, an application will normally be refused where an application is made in five years following the date of the last conviction.

(iii) Other Traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the six months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

(f) **Offences Under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (The Acts)**

One of the main purposes of the licensing regime set out in 'The Acts' is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under 'The Acts' in the two years preceding the date of the application.

(g) Drunkenness

(i) In a Motor Vehicle

The manner in which drunkenness in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph 'e' of these guidelines.

(ii) Not in a Motor Vehicle

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate. However, where an applicant has a number of convictions for drunkenness, it could indicate a medical problem, which would require further investigation including a medical examination and the possible refusal of a licence.

(h) Spent Convictions

The Council will only take 'Spent Convictions' into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

SERIOUS TRAFFIC OFFENCES

CATEGORY 'A'	
Offence Code	Offence
Careless Driving	
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for analysis
Reckless/Dangerous Driving	
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
Miscellaneous Offences	
MS50	Motor racing on a highway
Theft and Unauthorised Taking	
UT50	Aggravated taking of a vehicle

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

CATEGORY 'B'	
Offence Code	Offence
Accident Offences	
AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
BA10	Driving whilst disqualified by order of the court
BA30	Attempting to drive whilst disqualified by order of the court
Careless Driving	
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
Construction and Use Offences	
CU10	Using a vehicle with defective brakes
CU20	Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
Drink or Drugs	
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving or attempting to drive when unfit through drugs
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle while unfit through drugs
Insurance Offences	
IN10	Using a vehicle uninsured against third party risks
Licence Offences	
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle after having failed to notify a disability
Miscellaneous Offences	
MS70	Driving with uncorrected defective eyesight

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'A'** offence.

OTHER TRAFFIC OFFENCES

Offence Code	Offence
LC20	Driving otherwise than in accordance with a licence
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS60	Offences not covered by other codes
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with a moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with a stationery vehicle
SP10	Exceeding goods vehicle speed limits
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with 'stop' sign
TS40	Failing to comply with direction of a constable/warden
TS50	Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'B'** offence under Annex (ii).

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PUBLIC PROTECTION COMMITTEE

Tuesday, 31st January, 2017

Time of Commencement: 7.00 pm

Present:- Councillor Sandra Hambleton – in the Chair

Councillors Allport, Burch, L Hailstones,
P Hailstones, T Hambleton, Matthews,
Proctor, Robinson, J Tagg and Walklate

Officers David Beardmore, Geoff Durham, Nigel
Gardner, Steve Gee and Paul
Washington - Principal Solicitor

Apologies Councillor(s) Olszewski

1. DECLARATIONS OF INTEREST

Councillor Mrs Hailstones declared an interest in item 10 and left the room during its consideration.

2. APOLOGIES

Apologies were received from Councillor Mark Olszewski

3. MINUTES OF PREVIOUS MEETING

Resolved: That the minutes of the meeting held on 15 December, 2016 be agreed as a correct record.

4. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2, and 7 in Part 1 of Schedule 12A of the Local Government Act, 1972

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an application for the renewal of a vehicle licence for Mr AH.

Mr AH was given the opportunity to address the committee.

Resolved: (a) That, on the basis of the circumstances outlined in the report and the evidence given by the Councils vehicle tester/fleet manager, the Committee endorsed the decision of the Councils CEO to refuse the application for a Hackney Carriage vehicle licence.

(b) That in the absence of any further evidence in relation to the presence of the metal bar found under the driver's seat of the

vehicle during its inspection the applicants dual drivers licence be revoked.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an application for a new vehicle licence for Mr AH.

Mr AH was invited to the meeting but was not in attendance..

Resolved: On the basis of the evidence outlined in relation to the mechanical suitability of the vehicle and the evidence given by the Councils vehicle tester / Fleet Engineer, the Committee endorsed the decision taken by the Head of Environmental Health and Head of Recycling, Waste and Fleet Services to refuse the application for a Private Hire Vehicle Licence.

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an application for the renewal of a dual driver's licence for Mr MS.

Mr MS was given the opportunity to address the committee.

Resolved: That the application submitted by Mr MS be approved for a limited period of 12 months and a written warning be issued as to his future conduct

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an application for a new dual driver's licence for Mr JB.

Mr JB was given the opportunity to address the committee.

Resolved: That the application submitted by Mr JB be approved for a limited period of 12 months

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an incident involving Mr MBC.

Mr MBC was given the opportunity to address the committee.

Resolved: That in view of the circumstances Mr MBC be (was) given a verbal warning as to his future conduct

10. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an incident involving Mr DB.

Mr DB was given the opportunity to address the committee.

Resolved: That Mr DB be prosecuted for operating without an operators licence contrary to Section 46(1)(d) Local Government (Miscellaneous Provision) Act 1976

11. TOWN POLICE CLAUSES ACT 1847

The committee considered a report regarding Mr RH's failure to display vehicle licence plates whilst standing for hire at the taxi rank.

Mr RH was given the opportunity to address the committee.

Resolved: That Mr RH be prosecuted for failing to display hackney carriage vehicle plates contrary to Section 52 Town Police Clauses Act 1847

12. ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 33,34 AND 34(2A)

The committee considered a report regarding action taken in respect of a fly tipping offence by Mr PR.

Resolved: That Mr PR be prosecuted for the offence of fly tipping contrary to Sections 33, 34 and 34(2A) Environmental Protection Act 1990 (as amended)

13. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report notifying members of the revocation of a Hackney Carriage Driver's Licence held by Mr MQUZ.

Mr MQUZ was invited to the meeting but was not in attendance.

Resolved: That in view of the evidence, the Chief Executive's decision to revoke Mr MQUZ's Hackney Carriage drivers licence with immediate effect be endorsed.

14. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The committee considered a report regarding an incident involving Mr MH.

Mr MH was invited to the meeting but was not in attendance.

Resolved: That in view of the evidence and in accordance with the Councils policy and guidelines, Mr MH's dual drivers licence be revoked

15. MICROCHIPPING OF DOGS (ENGLAND) REGULATIONS 2015

The committee considered a report regarding cases where dogs remain unchipped or keeper details have not been updated, in breach of the regulations.

Resolved: That legal proceedings be instituted in relation to the cases outlined in the report.

16. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES

The committee considered a report advising of action taken in respect of littering offences and seeking authorisation to institute legal proceedings.

Resolved: That legal proceedings be instituted in relation to the cases detailed in the report.

17. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES

The committee considered a report advising of action taken in respect of littering offences within the Borough.

Resolved: That the report be received.

18. MR IA APPEAL OUTCOME

The committee considered a report advising of the outcome of Mr IA's appeal against the Public Protection Committee's decision to refuse an application for a new dual driver's badge.

The appeal was dismissed by Newcastle-under-Lyme Magistrate's Court.

Resolved: That the report be received..

19. BREACH OF COMMUNITY PROTECTION NOTICE

The committee considered a report updating Members on the outcome of enforcement proceedings for a breach of a Community Protection Notice in relation to persistent dog straying.

Resolved: That the report be received..

20. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR SANDRA HAMBLETON
Chair

Meeting concluded at 9.30 pm

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of the Local Government Act 1972.

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FEEs TO BE CHARGED FOR THE LICENSING OF PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING 2017-18

Submitted by: Head of Environmental Health

Portfolio: Finance, IT & Customer

Ward(s) affected: ALL

Purpose of the Report

For Members to consider the fees to be charged in relation to the licensing of Private Hire and Hackney Carriage Licensing.

Recommendations

That Committee agree the fees to be charged for the licensing of Private Hire and Hackney Carriage Licensing for 2017/2018.

Reasons

Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to Public Protection Committee.

1. Background

- 1.1 The approval of certain fees and charges relating to the licensing of Private Hire and Hackney Carriage licensing regimes are Council functions.
- 1.2 Council at their meeting on 22nd February 2017, delegated this function to Public Protection Committee.

2. Private Hire and Hackney Carriage

- 2.1 A report was presented to Public Protection Committee on 1st November 2016 in respect of the proposed fees and charges for Private Hire and Hackney carriage driver, vehicle and operator fees and charges for 2017/18. The committee recommended agreement to the proposals and that the fees and charges should be advertised and a period of consultation undertaken in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 70) states the following in relation to Operator and Vehicle licence fees:

“(1) Subject to the provisions of subsection (2), a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:
(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

- (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
- (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds;
- and
- (c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so."

2.3 The advertisement was placed in the Sentinel newspaper on 18th November 2016 and a copy placed at the Civic Offices. The consultation period ran from publication until 15th November 2016. No comments, objections or representations were received in respect of the proposed fees and charges.

2.4 The Deregulation Act 2015 amends the Miscellaneous Provisions Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators, to a standard 3 year licence for drivers and a standard operator's licence for 5 years. The proposed fees and charges are for the aforementioned time periods.

3. Issues

3.1 **The European Services Directive states (Art 12.2):**

"Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and

proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme.

Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

3.2 Guidance for Local Authorities on the Provision of Service Regulations States (2nd Edition June 2009 Para 12d):

“Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should the service provider feel that the level of fees are being used as an economic deterrent or to raise funds for local authorities Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.”

4. Previous Committee Resolutions:

- 4.1 On 2nd August 2016, Public Protection Committee considered a report on transfer applications from Hackney and Private hire driver licenses to a dual badge. It was agreed that this activity would be temporarily suspended until 1st April 2017, for further consideration. With regard to transfer applications, nothing has changed and it is proposed that transfer applications are not undertaken in 2017/18 and are removed from the fees and charges for the same reasons as outlined in the August report that to correctly administer the transfer of a single badge to a dual badge is not simply the reproduction of a new badge for the driver. The administrative process involved is akin to a full new application, as there is a need to ensure that the driver has all the specific requirements in place to ensure that they are fit and proper persons to be issued with the new licence. Those existing drivers wishing to have a dual badge, can apply for a full 3 year dual badge.
- 4.2 It is recommended that a new fee is introduced for the provision of a copy paper part of the licence, should this need to be replaced for any reason, it is proposed that a fee of £10.50 is set to cover the administrative work in undertaking this task.
- 4.3 On 13th December 2016 Public Protection Committee members considered an update reports on Safeguarding and Child Sexual Exploitation training for taxi drivers, it was recommended that a charge of £35 to be made to new drivers for the provision of future safeguarding and CSE training.
- 4.4 All proposed license fees and charges are detailed in table 1:

Table 1:

LICENCES			
Private Hire/Hackney Carriage			
Private hire operators 5 year licence	1 Vehicle - £170	1 Vehicle - £175	5.00
	2-5 Vehicles - £340	2-5 Vehicles - £350	10.00
	6 - 15 Vehicles- £600	6 - 15 Vehicles- £615	15.00
	16 -25 Vehicles - £1600	16 -25 Vehicles - £1650	50.00
	26 - 35 Vehicles - £2600	26 - 35 Vehicles - £2655	55.00
	36 -50 Vehicles - £3600	36 - 50 Vehicles - £3675	75.00
	Plus £20 per additional after 50 vehicles.	Plus £22 per additional after 50 vehicles.	2.00
Dual Driver Badge (Hackney Carriage and Private Hire) 3 years	223.00	230.00	7.00
Replacement badge	14.00	15.00	1.00
DBS (CRB check)	44.00	44.00	Freeze
Safeguarding & CSE training		35.00	NEW
Hackney carriage - vehicles	285.00	295.00	10.00
Private hire - vehicles	280.00	290.00	10.00
Private hire - vehicles 8+ seats	285.00	295.00	10.00
Transfer of vehicle	38.00	40.00	2.00
Failure to attend for vehicle test	102.00	105.00	3.00
Retest	36.00	38.00	2.00
Replacement plate & carrier - front	5.00	10.00	5.00
Replacement plate & carrier - rear	5.00	15.00	10.00
Copy of paper part of licence	N/A	10.50	NEW
Exception Vehicle Test	65.00	67.50	2.50
6 Monthly Test following an Exception Test	110.00	115.00	5.00

5. Proposal

- 5.1 That Committee agree the fees to be charged for the licensing of Private Hire and Hackney Carriage Licensing for 2017/2018.

6. Reasons for Preferred Solution

- 6.1 The fee can be used to cover the cost of the following:

Administration – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include ‘on-costs’ in this calculation. Councils will need to consider whether ‘on-costs’ include travel costs and management time.

Third party costs – Some licensing processes will require third party input from experts,

Liaison with interested parties – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the ‘on-costs’ attached to officer time referenced below.

Local democracy costs – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

Development, determination and production of licensing policies – The cost of consultation and publishing policies can be fully recovered.

Web material – The EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.

Advice and guidance – This includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

7. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

7.1 The proposals relate to the adoption of fees and charges which would contribute to the following:

A clean, safe and sustainable borough

- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.

A borough of opportunity

- Fair, proportionate and consistent fees create an equal opportunity for business to thrive.

A co-operative Council delivering high quality, community driven, services.

- High performing services and support will be delivered for businesses and customers.

8. **Legal and Statutory Implications**

8.1 **Hemming v Westminster**

The degree to which fees and processes are proportionate has been tested in a legal challenge brought against the fee charged by Westminster City Council for licensing sex establishments. The case established a number of key points about setting fees under the Services Directive.

In Hemming v Westminster, the Court of Appeal ruled that the fees set must not exceed the

costs of administering the licensing regime. This means the council was no longer able to include the cost of enforcement against unlicensed sex establishment operators when setting the licence fee, although the cost of visits to licensed premises to monitor compliance could be recovered through fees.

The judgement found that the annual reviews conducted by an officer of Westminster City Council were no substitute for determinations by the council. The judge rejected the council's submission that the fee had been fixed on an open-ended basis in 2004 so that the fee rolled over from one year to the next. Westminster City Council was consequently ordered to repay fees charged over that period.

Annual reviews allow for the fine tuning of fees and allow councils to take steps to avoid either a surplus or deficit in future years. This will not immediately benefit licence holders where the licence has been granted for a number of years and paid for in a lump sum, but will ensure new entrants to the licensing scheme are charged appropriately.

Where fees charged result in a surplus, *Hemming v Westminster* stated that this surplus must be used to reduce the fees charged in the following year. It is possible to extend the reinvestment of the surplus over more than one year, but this will need careful consideration about whether contributors may leave the licensing system over that period and therefore lose out on the return. Deficits can similarly be recovered, although where there is a significant deficit, councils may want to consider how recovery can be undertaken over more than one year so as not to financially harm otherwise viable businesses.

The case of *R v Tower Hamlets LBC (1994)* may also be of relevance, as the High Court indicated that "a council has a duty to administer its funds so as to protect the interests of what is now the body of council tax payers".

9. **Financial and Resource Implications**

- 9.1 Should a challenge be made in relation to the fee level as detailed in the *Hemming v Westminster* there could be detrimental financial implications for the Council

10. **Major Risks**

- 10.1 As detailed under Legal and Statutory Implications

11. **Key Decision Information**

- 11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 The Council adopted schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 on 31st March 2010 which came into effect on 3rd August 2011.
- 12.2 Council delegated the function of setting fees and charges to Public Protection Committee on 22nd February 2017.

13. **Recommendations**

- 13.1 That Committee agree the fees to be charged for the licensing

14. **List of Appendices**

None

15. **Background Papers**

LGA Guidance on Local Fee Setting

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HEADING	Public Space Protection Orders: Dog Control
Submitted by:	Head of Environmental Health Services
Portfolio:	Operational
Ward(s) affected:	All

Purpose of the Report

To advise members of options and to seek permission to consult residents on a proposed Public Spaces Protection Order in respect of dog controls.

Recommendations

Members are asked to approve consultation be started on a proposed public spaces protection order, in respect of dog controls, as detailed in Appendix A.

Reasons

The controls are currently drafted to be as flexible as possible and enable the Authority to effectively target enforcement. The proposed controls are considered suitable for our current needs and for up to three years when they must be reviewed again.

1. Background

- 1.1. Since 1st April 2013 a number of 'Dog Control' orders have been in force, which apply in a variety of locations across the borough. Provisions within the Antisocial Behaviour Crime and Policing Act 2014 mean that current controls will cease to have effect after October 2017. If these controls are still needed, an equivalent Public Space Protection Order (PSPO) needs to be made, by following a process outline in the 2014 Act.
- 1.2. The PSPO are intended to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable. The PSPO can impose restrictions on the use of that area which apply to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
- 1.3. The Council can make a PSPO on any public space within its own area but before doing so it must consult with the Local Police. The Council must also consult whatever community representatives it thinks appropriate. This could relate to a specific group, (for instance a residents' association), or an individual or group of individuals, (for instance, regular users of a park).
- 1.4. Before making a PSPO, the Council also has to publish the draft order in accordance with regulations made by the Secretary of State. An interested person can challenge the validity of a PSPO in the High Court on two grounds: (1) that the Council did not have the powers to make the order or to include prohibitions or requirements, or (2) that one of the requirements (for instance, consultation) had not been complied with. An 'interested person' means an individual who lives in the restricted area or who works or regularly visits that area.
- 1.5. If adopted a PSPO can operate for a maximum of three years. It may be refreshed for a further period, but only after a review and consultation exercise confirms there remains a need for the control.

- 1.6. We estimate that approximately one in five households in Newcastle-under-Lyme have at least one dog, with a total dog population of approximately 15,000-17,000.

2. Issues

- 2.1. The Authority now needs to decide if it feels that some form of dog control should be retained after October 2017.

- 2.2. Key considerations will be:
 - 2.2.1. The Evidence Base for Making a PSPO.
 - 2.2.2. Finance & Resources.
 - 2.2.3. Residents' Expectations & Authority's Priorities / Capacity.

The Evidence Base for Making a PSPO

- 2.3. The Authority is obliged to make proportionate and reasonable use of its powers and should reflect if there is the need to introduce a control. Our current evidence is that although there is generally a high level of compliance with present controls, dog related complaints still represent a considerable caseload for the authority with 200 complaints passed to the Council's dog wardens and 600 fouling removal request dealt with by Streetscene each year. It is considered that if controls were withdrawn behaviours would change and complaints and problems increase. The proposed consultation will help clarify if our residents believe there is an issue which needs to be addressed.

Finance & Resources

- 2.4. The direct costs to the Authority of updating its dog controls would be in terms of publicity, namely leaflets (£1,000), public notices published in the press (£1,700), temporary laminated signs explaining proposals (£3,000¹) (during consultation), and permanent signage if controls adopted. The total cost of pre-publicity and consultation is estimated to be £7,000.
- 2.5. Permanent signage cost is dependent upon which controls are adopted and where they are applied. Signage must contain the date the Order becomes effective, so would have a maximum life of three years. The typical cost of placing an A5 sized permanent sign would cost £15-£20 (excluding installation)². Adding new signs purely relating to dog controls at each entrance to the key locations listed for exclusions or dogs on leads controls is likely to cost £6,750 - £9,000. There is scope for this information to be contained on other signage at these locations e.g. park notice boards, and officers will look if there is a more cost effective way to promote controls at these locations.
- 2.6. The level of signage required will depend on public support for proposals. Costed options in respect of signage will be produced for EMT & Members in a future report.
- 2.7. The need for fouling signage will be reviewed during the consultation period, with costed options produced for EMT & Members in a future report. Current thoughts are that these signs could be discontinued.
- 2.8. There would be an on-going cost of approximately £1,000 per year for publicity of controls in year 2 (2018), with the need to restart a review / consultation exercise in year 3 (2019).
- 2.9. The annual cost of sign replacement will depend on the resilience of signs initially placed and the level of vandalism. Recent experience with different controls on Wolstanton Marsh would suggest some signs will need to be replaced several times during the year.

¹ Based on Town Centre PSPO signage

² Price based on composite signs attached with metal clips. Price benchmarked with FOI request to similar authorities

- 2.10. There is currently no provision within the 2017-18 Dog Warden Service budget for consultation, publicity or signage replacement.
- 2.11. If controls cease, there is a risk that with the removal of potential penalties, some currently compliant dog owners may adversely change their behaviour – for example opting not to remove fouling. Whilst savings on enforcement could be made, there is likely to be a net cost to the Authority with increased numbers of complaints and action needed to maintain the cleanliness of public places.

Residents' Expectations & Authority's Priorities

- 2.12. Whenever any form of dog related control is considered the Authority receives considerable feedback from its residents and animal welfare charities and needs to balance the needs of its dog owning residents with the expectations of the broader community. Either adopting or ceasing controls will initially be contentious.
- 2.13. Key corporate priorities are currently:
- Priority Two: A clean, safe and sustainable borough
 - Priority Four: A healthy and active community
- 2.14. Encouraging dog owners to clean up if their dog fouls and to ensure that their pet is kept under proper control when being exercised in public places directly aligns with priority two.
- 2.15. Setting and policing rules to ensure that dog owners and others can amicably share our public places encourages our residents to make full use of them – running, walking, cycling, using play equipment etc. which aligns with priority four.

3. Proposal and Reasons for Preferred Solution

- 3.1. Members are asked to approve consultation be started on a public spaces protection order, in respect of dog controls, as proposed in Appendix A.
- 3.2. If approval is given, Members will then be requested to consider an updated proposal, taking into account representations made through the consultation process, in summer 2017, with a view to new controls becoming operational from September 2017.
- 3.3. The proposals, as currently drafted, best match current Dog Control Orders and would allow for enforcement to continue. Additional elements within the proposals in respect of maximum numbers of dogs in specific locations and the new requirement to carry a bag reflect complaints / pressure from residents.
- 3.4. The controls are currently drafted to be as flexible as possible and enable the Authority to effectively target enforcement. The proposed controls are considered suitable for our current needs and for up to three years when they must be reviewed again.
- 3.5. This is considered an 'invest to save' project, which should improve the cleanliness and safety of public places.

4. Alternative Options Considered

- 4.1. Should Members wish to consider an alternative course of action the following options are available:
- 4.1.1. Take No Action.
- Allow the current Dog Control orders to cease in October 2017 and not be replaced. Remove all current dog restrictions and cease all dog related

enforcement activity – e.g. fouling patrols, exclusions from children’s playgrounds, requirements for dogs to be on leads in cemeteries.

- Removing controls would eliminate the need for complaint investigation and enforcement, with potential savings, however, removing the risk of enforcement may result in the standards of some public places reducing, increase conflict between dog owners and those not owning a dog, and potentially require more ‘clean-up’ resources.

4.1.2. Request the proposed controls be amended prior to consultation.

- Members may wish to change the proposed scope of the controls – for example omit specific controls such as requirement to carry bags, or limits to the number of dogs which may be walked in specific areas
- Members may wish to consider if the types of locations where the controls apply should be amended. Members are reminded that they can make representations in respect of specific locations in their ward, if approval is gained, to further consult. Members will have further opportunity to amend proposals on receipt of a second report in summer 2017.

5. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

5.1. The proposed PSPO sets ‘rules’ so that all residents can see what the Council expects

5.2. Controls of this nature are necessary if the Authority wishes to maintain the safety and cleanliness of its public places

6. Legal and Statutory Implications

6.1. The Authority is not obliged to adopt a PSPO in respect of dog controls. If it chooses to do so it has full control over their scope. The Authority is obliged to consult on any proposals and needs to be able to defend its controls if challenged.

6.2. PSPOs can be challenged through the High Court if their creation is not in accordance with Statute and Regulation and due process has not been followed.

7. Equality Impact Assessment

7.1. The recommendations in this report do not adversely affect any protected groups.

7.2. Those needing an assistance dog are defined in the Antisocial Behaviour, Crime and Policing Act 2014 as exempted from the PSPO requirements.

8. Financial and Resource Implications

8.1. The Authority is obliged to publicise controls and to ensure that appropriate signs are displayed. Signage would have a maximum life of 3 years. It is envisaged that signs in some locations may need regular replacement as a result of removal or vandalism. These costs have not been included in the estimates in 2.5 above.

8.2. Demand for signage, if offered, is likely to be high, with residents likely to request signs close to their homes. Whilst some 3,000 fouling signs have been used; to project costs for these controls demand could be twice this number.

8.3. The workload of initially adding signs would be considerable. If existing staff were used this would impact on their ability to deliver normal services. If contractors were engaged additional costs would result.

- 8.4. Any changes to dog related controls are likely to generate considerable interest with an increased volume of calls, emails and visits requiring a response from staff.
- 8.5. There is an expectation that enhanced enforcement would follow the implementation of revised controls. The authority does not have the capacity to increase its enforcement, unless other elements of its work are discontinued.

9. Major Risks

- 9.1. There is a risk of legal challenge if the Authority does not follow the correct process to devise, consult and adopt a PSPO, with associated reputational damage.
- 9.2. Whilst the majority of residents are likely to support pragmatic and practical controls, there is a risk that some may choose to disregard controls if they feel they are unfair.

10. Key Decision Information

- 10.1. This report can be considered key in the following ways:
 - a. It requires the Council to commit existing and additional resources for the function to which the decision relates and;
 - b. It impacts on communities living or working in an area comprising two or more electoral wards in the Borough.

11. Earlier Cabinet/Committee Resolutions

- 11.1. Public Protection Committee agreed the current set of Dog Control Orders on 4th February, 2013.
- 11.2. Cabinet agreed amendment to the Council's scheme of delegation adding provisions in respect of the Anti-Social Behaviour, Crime & Policing Act 2014 on 15th October 2014. This decision delegated the power to make, extend, vary and discharge public space protection orders to Public Protection Committee

12. List of Appendices

- 12.1. Appendix A: Draft PSPO

13. Background Papers

- 13.1. Antisocial Behaviour Crime & Policing Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/enacted>
- 13.2. Guidance in respect of PSPOs
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf
- 13.3. Further details on proposals and frequently asked questions
www.newcastle-staffs.gov.uk/dogcontrols
- 13.4. Requirements in respect of publicising public space protection orders
http://www.legislation.gov.uk/uksi/2014/2591/pdfs/uksi_20142591_en.pdf
- 13.5. Amendment to scheme of delegation granting Public Protection Committee power to make public space protection orders.
<http://moderngov.newcastle-staffs.gov.uk/documents/s13554/Cabinet%20Report%20-%20ASB%20Legislative%20changes%20-%20Oct%202014%20v18%20021014.pdf>

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The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order (The Borough Council of Newcastle-under-Lyme) No. 2 of 2017 – Dog Controls

The Borough Council of Newcastle-under-Lyme (in this order called “the Authority”) in exercise of its powers under Section 59, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:-

This Order comes into force on xxxxxxxxxx 2017 for a period of 3 years.

Offences

1. Fouling-failure to remove dog faeces

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

(a) he has reasonable excuse for failing to do so;

or

(a) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Dogs on Leads by Order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead unless

(b) he has reasonable excuse for failing to do so;

or

(c) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

3. Dogs on Leads Requirements

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in **Schedule 1** below he does not keep the dog on a lead unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. Dog Exclusions

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in **Schedule 2** below unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5. Maximum of Six Dogs

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), he takes more than six dogs onto, or permits more than six dogs to enter or to remain on, any land detailed in **Schedule 3** below unless

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

6. Means to Pick Up Dog Fouling

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not have with him an appropriate means to pick up dog faeces deposited by that dog unless:

- (a) he has reasonable excuse for failing to do so;
- or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The person shall not be guilty of an offence if after on request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

Exemptions & Definitions

- i) Nothing in part 1 or part 4 of this order shall apply to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

- ii) For the purpose of this order –
- (a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
 - (c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
 - (d) “an authorised officer of the Authority” means an employee, partnership agency or contractor of Newcastle-under-Lyme Borough Council who is authorised in writing by Newcastle-under-Lyme Borough Council for the purposes of giving directions under the Order.
 - (e) Each of the following is a "prescribed charity" -
 - Dogs for the Disabled (registered charity number 700454)
 - Support Dogs Limited (registered charity number 1088281)
 - Canine Partners for Independence (registered charity number (803680)
 - Dog A.I.D (Registered Charity Number 1124533)
 - Medical Detection Dogs (Registered Charity 1124533)

Restrictions & Penalty

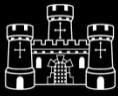
- i) The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the above activities. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- ii) It is an offence for a person without reasonable excuse to engage in activity which is prohibited by this Order.
- iii) A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

By resolution of The Borough Council of Newcastle-under-Lyme dated xxxxxxxx 2017

The Common Seal of the
Borough of Newcastle-under-Lyme
hereunto affixed this.....day of2017
in the presence of

Councillor

Official Signatory



Schedule 1

Dogs on Leads Requirements

SCHEDULE 1

This order applies to all:

- Borough Council Crematorium, churchyards and cemeteries, and closed church yards
- Formal gardens
- Marked out sports pitches
- Unfenced children's play equipment and a portion of the surrounding area, extending 20 metres in all directions from it.
- Fenced / enclosed portions of Apedale Country Park which are designated for wildlife conservation
- The northern portion of Bathpool Park, from its entrance and car park at Boathorse Road, along the main access path which runs from the car park at Boathorse Road, adjacent to the children's play area - and rugby pitches to its junction with footpath 146 which crosses the dam wall.
- Paths which adjoin Bathpool Reservoir Main Fishing Pool and continues on along the eastern side of Bathpool reservoir.
- Public Rights of Way: Kidsgrove 130 to the reservoir embankment 144, 146 & 182
- Fishing Pools managed by angling clubs as per their signs
- Open space owned by parish and town councils as per their signs

Listing of Sites¹

Location or site description	Duration when control applies / Comments
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¹ This list of sites details the locations where this Order applies when it was made.

Location or site description	Duration when control applies / Comments
<p>Cemeteries, crematorium, and managed churchyards</p> <p>Cemeteries at: Attwood Street - Kidsgrove, Nantwich Rd – Audley, Loomer Rd – Chesterton, Cotswold Ave – Knutton, Keele Rd – Keele, Cemetery Rd – Silverdale, Lymewood Grove – Newcastle, Manor Rd, Madeley</p> <p>Chatterley Close Crematorium – Bradwell</p> <p>Managed Churchyards at: St Giles – Newcastle, St George’s – Newcastle, St Margaret’s – Wolstanton, St Luke’s – Silverdale, Holy Trinity – Chesterton, St Thomas’ – Kidsgrove, St Andrew’s – Porthill, St Mary’s – Mucklestone, All Saints – Madeley, St James’ – Audley, St James’ – Newchapel, St Martin’s – Talke, St Thomas’ – Mow Cop, St John’s – Alsagers Bank, St Margaret’s - Betley</p>	<p>Dog owners are able to take their dog into / through these areas, provided it is kept under control. Keeping a dog on a lead is a mark of respect, and minimises the risk of accidental damage to floral tributes, or urination on headstones</p> <p>Dogs on leads requirement apply at cemeteries, crematorium, and managed churchyards for the whole of the year.</p>
<p>Formal Gardens</p> <p>Queen Elizabeth Park, Pooldam</p> <p>Queens Gardens, Iron Market</p> <p>Formally planted parts of Chesterton Park, Chesterton</p> <p>Formally planted parts of Clough Hall Park, Kidsgrove</p> <p>Oaklands Park, Porthill</p>	<p>Dogs on leads requirement apply for the whole of the year.</p>
<p>Sports grounds</p> <p>Acacia Ave Ball Games Pitch Knutton</p> <p>Albert Street -playing fields ball games pitch - Bignall End</p> <p>Alsagers Bank - ball games pitch -Halmerend</p> <p>Bathpool Park -rugby pitch (bookable) - Kidsgrove</p> <p>Beech Drive / Hollins playing fields -Clough Hall ball games pitch</p> <p>Birch House Road (Crackley Fields) football pitch (bookable)</p> <p>Birchenwood Country Park - marked pitches football pitch (bookable)</p> <p>Black Bank Road football pitch (bookable) - Knutton</p> <p>Bradwell Lodge Park - grassed areas ball games pitch - Porthill</p> <p>Chester Road - ball games football pitch (bookable) - Talke</p> <p>Chesterton Park - ball games area ball games pitch</p> <p>Clough Hall Park - grassed areas football pitch (bookable)</p> <p>Lower Milehouse Lane / Cotswold Avenue football pitch (bookable) - Knutton</p> <p>Deans Lane / Talke Road football pitch (Bookable) - Chesterton</p> <p>Ilkley Place ball games pitch - Silverdale</p> <p>Lyme Valley football pitch (bookable) Newcastle</p> <p>Lyme Valley rugby pitch (bookable)</p>	<p>Dogs on leads requirement apply on all sports grounds for the whole of the year.</p>

Location or site description	Duration when control applies / Comments
<p>Northwood Lane, Clayton ball games pitch</p> <p>Palmers Way ball games pitch - Newcastle</p> <p>Pheasant Walk ball games pitch - Loggerheads</p> <p>Red Street Comm. Centre pitches, Talke Rd Ball games pitch Red Street</p> <p>Roe Lane, Playing Fields football pitch (bookable) - Seabridge</p> <p>Salop Place football pitch (bookable) - Kidsgrove</p> <p>Scot Hay Play Area, Leycett Road Ball games pitch</p> <p>St Paul's Road ball games pitch - Thistleberry</p> <p>The Wammy football pitch (bookable) - Knutton</p> <p>Wharf Terrace / Heath Row ball games pitch - Madeley</p> <p>Wolstanton Marsh, Basford Park Road football pitch (bookable) - May Bank To be confirmed</p>	
<p>Apedale County Park</p> <p>Portions of the park as marked by Staffordshire County Council</p> <p>https://www.staffordshire.gov.uk/environment/eLand/Countryside/OpenSpaces/OpenSpacesApedale.aspx</p>	<p>Dogs on leads requirement apply to areas marked by Staffordshire County Council, where necessary to safeguard plants or wildlife – e.g. ground nesting birds. Controls apply for the whole of the year.</p>
<p>Bathpool Park</p> <p>The northern portion of Bathpool Park, from its entrance and car park at Boathorse Road, along the main access path which runs from the car park at Boathorse Road, adjacent to the children's play area - and rugby pitches to its junction with footpath 146 which crosses the dam wall.</p> <p>Paths which adjoin Bathpool Reservoir Main Fishing Pool and continues on along the eastern side of Bathpool reservoir.</p> <p>Public Rights of Way: Kidsgrove 130 to the reservoir embankment 144, 146 & 182</p> <p>Staffordshire County Council Countryside and Rights of Way map http://apps2.staffordshire.gov.uk/WEB/OnTheMap/RuralAccess</p> <p>[The Peacocks Hay (southern) portion, and Public Right of Way 201 (bridle path) to Boathorse car park are NOT covered by this control]</p>	<p>Dogs on leads requirement apply on the listed paths for the whole of the year.</p>
<p>Fishing Pools</p> <p>Madeley Pool, Madeley</p> <p>Bateswood & Cloggers Pool, Halmerend</p> <p>Bathpool Reservoir Main Fishing Pool</p> <p>Legg of Mutton / Clough Hall Drive Pools, Talke</p>	<p>Dogs on leads requirement apply along any paths which adjoin the pool for the whole of the year.</p>



Schedule 2 Dogs Exclusions

SCHEDULE 2

This order applies to:

- Fenced or enclosed children’s play areas which are designated and marked for children’s play
- Fenced or enclosed games areas, such as. tennis and ball courts, multisport areas, skate parks
- The grassed portion of all bowling greens
- Fenced or enclosed portions of Apedale Country Park which are designated for wildlife conservation
- Fishing Pools managed by angling clubs as per their signs
- Open space owned by parish and town councils – as per their signs.

Listing of Sites²

Location or site description	Duration when control applies / Comments
<p>Children’s Play Area</p> <p>Acacia Ave - Fenced Children's Play Equipment, Knutton LEAP</p> <p>Albert Street - playing fields, Fenced Children's Play Equipment, Bignall End</p> <p>Alsager Road -Fenced Children's Play Equipment, Audley</p> <p>Alsagers Bank - play equipment Fenced Children's Play Equipment, Halmerend</p> <p>Arnold Grove -Children's Play Fenced Children's Play Equipment, Bradwell NEAP</p> <p>Arthur Street / Moran Road Fenced Children's Play Equipment Knutton LEAP</p> <p>Ash View / Powy Drive / Medina Way -Fenced Children's Play Equipment, Kidsgrove</p> <p>Audley Road / Cedar Road -Fenced Children's Play Equipment, Waterhayes</p> <p>Bamber Place -Fenced Children's Play Equipment, Chesterton LEAP</p> <p>Barbridge Road / Ludford Close / Longclough Rd -Fenced Children's Play Equipment Waterhayes</p> <p>Bathpool Park - Children's Play Fenced Children's Play</p>	<p>Controls apply through the year. Controls apply within the fenced compound, if the equipment is within a gated enclosure. However where play equipment does not have a perimeter fence immediately surrounding it, we would ask-require dog walkers to place their dogs on a lead when they are within 20 metres of it.</p>

² This list of sites details the locations where this Order applies when it was made.

Location or site description	Duration when control applies / Comments
<p>Equipment, Kidsgrove NEAP</p> <p>Beattie Avenue -Fenced Children's Play Equipment, Chesterton LAP</p> <p>Bignall End Road /Tibb Street -Fenced Children's Play Equipment, Audley</p> <p>Birch Dale Recreation Ground Unfenced Children's Play Equipment Madeley</p> <p>Bluebell Drive -Fenced Children's Play Equipment, Seabridge</p> <p>Bradwell Lodge Park - Children's Play Fenced Children's Play Equipment, Porthill LEAP</p> <p>Brampton Park -Fenced Children's Play Equipment, Newcastle LEAP</p> <p>Burtwood View /Hugo Way -Fenced Children's Play Equipment, Loggerheads LEAP</p> <p>Checkley Road -Waterhayes Fenced Children's Play Equipment, Chesterton</p> <p>Chester Road - Children's Play Fenced Children's Play Equipment, Talke LEAP</p> <p>Chesterton Park - Children's Play Fenced Children's Play Equipment, Chesterton NEAP</p> <p>Cheswardine Drive -Fenced Children's Play Equipment, Bradwell LEAP</p> <p>Clough Hall Park - Children's Play Fenced Children's Play Equipment, Clough Hall NEAP</p> <p>College Gardens / Daltry Way -Fenced Children's Play Equipment, Madeley LEAP</p> <p>Cotswold Avenue -Fenced Children's Play Equipment, Knutton</p> <p>Deans Lane -Fenced Children's Play Equipment, Red Street LEAP</p> <p>Douglas Road -Fenced Children's Play Equipment, Cross Heath NEAP</p> <p>Harrison Close -Unfenced Children's Play Equipment, Halmerend</p> <p>Hayhead Close -Fenced Children's Play Equipment, Kidsgrove</p> <p>Heritage Park / Silverdale Colliery -Fenced Children's Play Equipment, Silverdale</p> <p>Icky Picky / Croft Road / Honeywood -Fenced Children's Play Equipment, Newcastle LEAP</p> <p>Ilkley Place -Fenced Children's Play Equipment, Silverdale NEAP</p> <p>Ironbridge Drive -Fenced Children's Play Equipment, Silverdale LEAP</p> <p>Lockwood Street -Fenced Children's Play Equipment, Newcastle LEAP</p> <p>Loomer Road -Fenced Children's Play Equipment, Chesterton</p> <p>Lyme Valley (Buckmaster) -Fenced Children's Play</p>	

Location or site description	Duration when control applies / Comments
<p>Equipment, Clayton LEAP</p> <p>Lyme Valley (Remploy) -Fenced Children's Play Equipment, Newcastle NEAP</p> <p>Medina Way -Fenced Children's Play Equipment, Kidsgrove</p> <p>Merlin Way -Fenced Children's Play Equipment, Kidsgrove</p> <p>Moorland Road -Fenced Children's Play Equipment, Mow Cop LEAP</p> <p>Mount Road, Birchenwood -playground Fenced Children's Play Equipment, Birchenwood LEAP</p> <p>Oakdene Ave -Fenced Children's Play Equipment, Bradwell LEAP</p> <p>Oldcastle Avenue - play equipment and fenced games area Fenced Children's Play Equipment, Bradwell</p> <p>Powy Drive -Fenced Children's Play Equipment, Kidsgrove</p> <p>Rogers Avenue / Robertson Drive -Fenced Children's Play Equipment, Knutton LEAP/NEAP</p> <p>Rydal Way -Fenced Children's Play Equipment, Clayton LEAP</p> <p>Salop Place -Fenced Children's Play Equipment, Kidsgrove LEAP</p> <p>Scot Hay Play Area, Leycett Road -Fenced Children's Play Equipment, Scot Hay</p> <p>Silvermine Close -Fenced Children's Play Equipment, Kidsgrove</p> <p>Underwood Road / Pepper Street -Fenced Children's Play Equipment, Silverdale LEAP</p> <p>Victoria Road -Fenced Children's Play Equipment, Newcastle</p> <p>Whitehall Avenue - Children's Play Equipment Fenced Children's Play Equipment, Kidsgrove</p> <p>Wilmot Drive Ball Park -Fenced Children's Play Equipment, Knutton</p> <p>Wilson Street -Fenced Children's Play Equipment, Newcastle LEAP</p> <p>Wolstanton Marsh(Basford Park Road) -Fenced Children's Play Equipment, May Bank LEAP</p> <p>Wolstanton Park, Moreton Parade -Children's Play Fenced Children's Play Equipment, Wolstanton LAP</p> <p>Wroxham Way -Fenced Children's Play Equipment, Westbury Park LEAP</p>	
<p>Games Areas</p> <p>Bradwell Lodge Park - Bowling, Porthill, Bowling Green - http://streetmap.co.uk/grid/385093,348959,110</p> <p>Chesterton Park, Chesterton, Bowling Green - http://streetmap.co.uk/grid/383284,349233,110</p> <p>Clough Hall Park - Bowls, Clough Hall, Bowling Green -</p>	

Location or site description	Duration when control applies / Comments
<p>http://streetmap.co.uk/grid/383335,353906,110</p> <p>Mount Road, Birchenwood – Multi use games area, Birchenwood,</p> <p>- http://streetmap.co.uk/grid/385106,354768,110</p> <p>Queen Elizabeth Park, Pooldam, Thistleberry, Bowling Green - http://streetmap.co.uk/grid/384444,345897,110</p> <p>Silverdale Park, Vale Pleasant - bowling green and courts, Silverdale, Bowling Green - http://streetmap.co.uk/grid/382061,346615,110</p> <p>Westlands Sports Ground, Westlands, Bowling Green - http://streetmap.co.uk/grid/384159,345049,110</p> <p>Wolstanton Park, Moreton Parade - Bowling, Wolstanton, Bowling Green - http://streetmap.co.uk/grid/385654,347858,110</p> <p>Wesley Place - Pitch (Audley Parish Council), Halmerend, Ball Games Pitch - http://streetmap.co.uk/grid/379598,349049,110</p> <p>Whitmore Village Hall (Whitmore Parish Council), Whitmore, Ball Games Pitch - http://streetmap.co.uk/grid/379748,340427,110</p> <p>Bradwell Lodge Park - Multi Use Games, Porthill, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/385093,348959,110</p> <p>Clough Hall Park - Multi-use Court & Skate Ramp, Clough Hall, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/383392,353920,110</p> <p>Douglas Road, Cross Heath, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/384022,347113,110</p> <p>Loomer Road - ball court, Chesterton, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/382968,348609,110</p> <p>Oakdene Avenue, Bradwell, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/384401,348971,110</p> <p>Oldcastle Avenue, Bradwell, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/384308,349005,110</p> <p>Riley's Field, Apedale Road, Audley, Multi Use Games / Ball Park - http://streetmap.co.uk/grid/380968,349896,110</p> <p>Orme Road- skate park, Thistleberry, Skate Park - http://streetmap.co.uk/grid/384377,345854,110</p> <p>Bradwell Lodge Park - Tennis, Porthill, Tennis Court - http://streetmap.co.uk/grid/385093,348959,110</p> <p>Chesterton Park - Tennis, Chesterton, Tennis Court - http://streetmap.co.uk/grid/383284,349233,110</p> <p>Clough Hall Park - Tennis, Clough Hall, Tennis Court - http://streetmap.co.uk/grid/383332,353858,110</p> <p>Mount Road, Birchenwood - Tennis Courts, Birchenwood, Tennis Court - http://streetmap.co.uk/grid/385145,354783,110</p> <p>Silverdale Park, Brook Street, Silverdale, Tennis Court - http://streetmap.co.uk/grid/382102,346631,110</p> <p>Wedgwood Avenue, Westlands, Tennis Court -</p>	

Location or site description	Duration when control applies / Comments
http://streetmap.co.uk/grid/384159,345049,110 Wolstanton Park, Moreton Parade - Tennis, Wolstanton, Tennis Court - http://streetmap.co.uk/grid/385654,347858,110	
<p>Apedale County Park</p> <p>Lapwing paddock – to protect ground nesting birds</p> <p>Hornbeam paddock 1 and 2 – for the safety of livestock</p> <p>Conservation / pond dipping area adjacent to visitor / energy centre, off Blackbank Road</p> <p>Conservation / pond dipping area adjacent to Apedale Heritage Centre, off Loomer Road</p> <p>https://www.staffordshire.gov.uk/environment/eLand/Countryside/OpenSpaces/OpenSpacesApedale.aspx</p>	<p>Some parts of Apedale Country part are specifically managed for nature conservation and some areas have livestock. Dogs are excluded from the following key locations. Each of these sites is fenced and a sign will be displayed at entrances to the site</p>
<p>Fishing Pools</p> <p>Madeley Pool, Madeley</p> <p>Bateswood & Cloggers Pool, Halmerend</p> <p>Bathpool Reservoir Main Fishing Pool</p> <p>Legg of Mutton / Clough Hall Drive Pools, Talke</p>	<p>Dogs are should not be permitted in the water at designated fishing 'pegs'. Dog walkers are required to should check for signs provided by the relevant angling clubs responsible for managing the sites.</p>

Public Spaces Protection Order
(Newcastle-under-Lyme Borough Council) No. 2 of 2017 – Dog Controls



Schedule 3

Maximum of six dogs

SCHEDULE 3

This order applies to: Apedale County Park, Bateswood County Park, Bathpool Park, Clough Hall Park, Silverdale Community Park, Lyme Valley Parkway, Birchenwood County Park

Where controls will apply

Location or site description	Duration when control applies/ Comments
Apedale County Park Bateswood County Park Bathpool Park Clough Hall Park Silverdale Community Park Lyme Valley Parkway Birchenwood County Park	<p>Current government guidance is that the maximum number of dogs which a person can control is six. Where more dogs are walked the risk that fouling may not be seen / removed, or that dogs can cause problems for other public space users or wildlife increases.</p> <p>This control would apply in the places listed throughout the year</p> <p><i>Please note: Further restrictions in terms of dogs on leads or dog exclusions may also apply in parts of these areas.</i></p>