

Public Document Pack

Date of meeting Tuesday, 16th March, 2021
Time 7.00 pm
Venue Hybrid Meeting - Castle
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing & Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

PART 1 - LICENSING

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

To receive declarations of interest from Members on items contained within the agenda

- 3 MINUTES OF PREVIOUS MEETING (Pages 5 - 10)**
- 4 ESTABLISHING A CUMULATIVE IMPACT ASSESSMENT (Pages 11 - 46)**
- 5 MINUTES OF LICENSING SUB COMMITTEE MEETINGS (Pages 47 - 48)**

To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing and Public Protection Committee.

FIVE MINUTE BREAK

PART 2 - PUBLIC PROTECTION (OPEN)

- 6 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**
To receive declarations of interest from Members on items contained within the agenda
- 7 VARIATION OF PUBLIC SPACES PROTECTION ORDER IN RESPECT OF DOG CONTROLS (Pages 49 - 54)**
- 8 PUBLIC PROTECTION SUB-COMMITTEE ARRANGEMENTS (Pages 55 - 58)**

PART 3 - PUBLIC PROTECTION (CLOSED)

9 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.

10 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 59 - 66)

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

11 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors Simon White (Chair), Graham Hutton (Vice-Chair), Mark Olszewski, John Cooper, Sylvia Dymond, Gill Heesom, Tony Kearon, Andrew Parker, Stephen Sweeney, June Walklate, Jill Waring, Gillian Williams, John Williams, Ruth Wright and Dave Jones

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.

SUBSTITUTE MEMBER SCHEME (Appendix 9, Section 4 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Julie Cooper	John Tagg
	Gary White	Sue Moffat
	Trevor Johnson	Silvia Burgess
	Paul Northcott	Ian Wilkes
	Marion Reddish	

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place) NB Only 2 Substitutes per political group are allowed for each meeting and your Chairman will advise you on whether that number has been reached

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

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE
STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

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LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 26th January, 2021
Time of Commencement: 7.00 pm

Present: Councillor Simon White (Chair)

Councillors:	Graham Hutton	Andrew Parker	Gillian Williams
	Mark Olszewski	Stephen Sweeney	John Williams
	Gill Heesom	June Walklate	Ruth Wright
	Tony Kearon	Jill Waring	

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Nesta Barker	Head of Environmental Health Services
	Anne-Marie Pollard	Solicitor

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

1. **APOLOGIES**

There were no apologies.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 12 October, 2020 be agreed as a correct record.

4. **ESTABLISHING A CUMULATIVE IMPACT ASSESSMENT**

Consideration was given to a report seeking agreement for the Council to consult upon a Cumulative Impact Assessment to support the Council's Statement of Licensing Policy.

The Council's Licensing Administration Team Manager, Matthew Burton introduced the report, drawing Members' attention to paragraph 1.5 of the report which set out the process which was required to go from a Cumulative Impact Policy (CIP) to a Cumulative Impact Assessment (CIA).

Staffordshire Police had indicated their support to move to a CIA and had submitted statistics which provided the evidential basis. The Police had stated that the area covered by the current CIP was appropriate for a CIA so they were not proposing that a wider or smaller area should be covered. Members were referred to Appendices A, B and C which showed the current area, the number of incidents, when they occurred and a comparison with the Cumulative Impact Zones and the whole Borough. Paragraphs 2.13 and 2.14 showed the type of offence committed. The information highlighted the times when incidents were higher – midnight to 1am on Thursdays to Saturdays in 2018. In 2019 this had changed to midnight to 1am on Fridays and Saturdays and the most recent figures showed it as being highest between midnight and 1am on Saturday nights.

Matthew Burton drew Members' attention to paragraphs 2.5 and 2.6 which outlined the statutory guidance on what evidential basis was required for a decision to publish a CIA. There was also an obligation for the Council to carry out a consultation with various bodies.

Councillor Kearon stated that the existing CIP had been extended to 5 April, 2021 and asked about the timeline. Were officers confident that the consultation would be carried out, a report brought back to this Committee and the action carried out to implement the CIA, could all be done before 5 April or might the Committee want to consider extending the CIP?

Mr Burton stated that they were confident, as long as the consultation started soon. If agreed this evening, the four weeks' consultation could be carried out and a response formulated to bring back to this Committee on 16 March. If this was not achieved, there was no scope to extend the CIP because the provisions were that the Council had to either end the CIP when it ended or three years after the legislation came into force which would be 5 April, 2021.

Councillor Hutton moved that this be approved and the study begun to ensure that the timelines were met.

- Resolved:**
- (i) That the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that will have the effect of replacing the existing Cumulative Impact Policy, be noted.
 - (ii) That a consultation be carried out in relation to a Cumulative Impact Assessment.
 - (iii) That the results of the consultation brought back to this Committee at a later meeting to determine whether a Cumulative Impact Assessment is required.

5. MINUTES OF LICENSING SUB COMMITTEE MEETINGS

- Resolved:** That the Minutes of the meeting held on 20 October, 2020 be agreed as a correct record.

6. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

7. STATUTORY TAXI AND PRIVATE HIRE STANDARDS AND POLICY

Consideration was given to a report reviewing a consultation response in respect of the draft taxi policy. Members were asked to agree to any amendments to the Taxi and Private Hire Licensing Policy following the consultation.

Members' attention was drawn to paragraph 2.1 which outlined proposed minor changes to the Policy which were taken to the October meeting of this Committee. A copy of the Policy which incorporated the amendments was attached at Appendix 1.

The Consultation, which was agreed at the October meeting, brought back one representation to the amendments. A copy of the representation was attached at Appendix 2.

Uber's response requested that para 3.5.9 of the policy and "*Appendix I – Private Hire Operator conditions*" should be amended to reflect that the requirement to keep a record of the individual that took the booking only applied when the booking was made in person and not via a computerised system. Officers had agreed with the suggestion and amended the proposed policy document.

Councillor Sweeney stated that this Committee had spent a lot of time on this document and the fact that there had only been one comment which had been taken on board and changed, was a credit to everyone. Councillor Sweeney was happy to move the recommendations.

- Resolved:**
- (i) That the report be noted.
 - (ii) That the response received during the consultation period be considered and the proposed additional amendment to the policy as detailed in the report be approved.
 - (iii) That, the Taxi Licensing Policy 2021-2025 be approved.
 - (iv) That, the Taxi Licensing Policy 2021-2025 be implemented from 1st April 2021.

8. PROPOSED TAXI FEES AND CHARGES 2021-22

Consideration was given to a report asking Members to consider the proposed taxi and private hire fees for 2021/22, following consultation.

The Council's Head of Environmental Health Services, Nesta Barker advised that two representations had been received from private hire operators, one from the Hackney Carriage Trade Association and one from a licensing consultant. Members were referred to Appendices A to D which showed the representations in full and to paragraphs 2.4 to 2.6 where they were summarised. The basis of the representations was that there was no justification to increase the fees. They suggested that the consultation be postponed or carried out again to allow for a wider response.

Nesta Barker advised that in the October report, it was detailed that the primary reason for increasing fees was due to staffing fees which had increased and the decrease in the total number of licences issued.

Table 3.1 showed the proposed fees and charges for 2021/22.

Councillor Sweeney stated that a newspaper report had stated that the fees would increase by up to 17%. Only three out of the forty three charges proposed would increase by 17%, the other charge increases ranged from zero to three to six percent. In addition, a lot of the items in the table would only happen 'as and when' and were not regular charges over the three year cycle.

Councillor John Williams that taxi drivers had suffered with loss of income as a result of the pandemic and therefore, he could not support any increases in the fees and charges this year.

Councillor Gill Williams thought that, at the present time she would not like to see any increase.

Councillor Hutton asked for confirmation that the costs passed onto taxi drivers and operators were just to recover the Council's costs and whether, if the costs were not recovered, the money would have to be taken from elsewhere.

Councillor John Williams stated that money had been given by the Government to help the Council during the pandemic and his understanding that this money was there to help businesses.

Councillor Olszewski agreed that it was currently a difficult time to impose an increase in costs on anybody particularly when trading conditions were so poor. Nesta Barker was asked, if the increases were not imposed, how the books would be balanced.

Nesta Barker advised that the fees were based on cost recovery and if these were not recovered then the funds would need to be met from elsewhere within the Council to subsidise this service.

A vote was taken on increasing the fees and charges for 2021/22.

In favour: 5
Against: 6
Abstain: 1

Resolved: That no increase be made to the fees and charges for 2021/22.

9. **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 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

10. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

Resolved: That the Minutes of the meetings held on 21 October, 2020, 18 November, 2020 and 16 December, 2020 be received.

11. URGENT BUSINESS

There was no urgent business.

CLLR SIMON WHITE
Chair

Meeting concluded at 7.45 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 16 March 2021

Report Title: Establishing a Cumulative Impact Assessment

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

Ward(s) affected: Town Ward

Purpose of the Report

To request that Members determine whether the Council should publish a Cumulative Impact Statement to support the Council's Statement of Licensing Policy.

Recommendation

That

1. Members note the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that was submitted in advance of the recent consultation
2. Members note the information received as part of the recent consultation
3. Members determine whether there is currently an evidential basis to publish a Cumulative Impact Assessment to 'replace' the current Cumulative Impact Policy

Reasons

Cumulative Impact Assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017. In general terms and effect they replace Cumulative Impact Policies (CIP) however there is no statutory transition or conversion process. Before adopting a CIA the authority must establish the evidential basis that one is required, and consult upon its scope and extent with the same persons that must be consulted over the Statement of Licensing Policy.

The Committee agreed at the January 2021 meeting to carry out a consultation process to determine whether there is an evidential basis to publish a CIA.

At the October 2020 meeting the Committee determined to extend the existing CIP to 5th April 2021 to allow for the CIA process to take place.

1. **Background**

1.1 The Council has previously resolved to have a CIP that covers an area of Newcastle's town centre and this was incorporated into the authority's Statement of Licensing Policy (SLP), and this has been in place since July 2013.

1.2 In April 2019 the Committee resolved 'that the Cumulative Impact Policy continue in its current form pending transition to a Cumulative Impact Assessment'.

- 1.3 In October 2020 the Committee resolved to extend the existing CIP to 5th April 2021 to allow for the CIA process to take place.
- 1.4 In January 2021 the Committee resolved that a consultation process should be carried out to determine whether there is an evidential basis to publish a CIA.
- 1.5 It is proposed that a CIA is required, to replace the current CIP, and will be a standalone 'live' document capable of being amended when required without an amendment being made to the SLP.
- 1.6 In effect and operation a CIA is similar to a CIP, however to move from one to the other requires the authority to:
- Consult with the same persons it consults regarding reviews and revisions to its SLP;
 - Explain why it is considering adopting a CIA
 - Set out the part or parts of the district to be included in the CIA
 - Set out which type of licences the CIA will apply to
 - Give the evidential basis for the CIA
- 1.7 In considering the evidential basis for a CIA the current Public Health emergency has impacted significantly on both footfall and economic activity within the current CIP area.
- 1.8 Staffordshire Police indicated that they are in support of progressing a CIA to 'replace' the CIP and submitted statistical data to give the evidential basis required.
- 1.9 The data submitted by Staffordshire Police was included and formed part of the consultation document circulated to all relevant parties on 29th January 2021. The consultation process lasted four weeks. A copy of the consultation document is attached as **Appendix A**.
- 1.10 The consultation document set out the Council's explanation as to why a CIA was being considered, a summary of the data from Staffordshire Police, which part of the Borough was being considered and which types of licences and premises the CIA may apply to. The proposal was:
- That the area of the Borough be the same area under the existing CIP.
 - That only licence applications that relate to the sale of alcohol be included in the CIA.

2. **Issues**

- 2.1 CIAs differ in relation to CIPs in several ways. The provision to create a CIA is within the Licensing Act 2003, whereas the provision for a CIP was only in the Statutory Guidance. The evidential basis for CIAs may include any premises that carry on, or intend to carry on, any licensable activity. That includes the sale of alcohol for both on and off the premises consumption, late night refreshment and regulated entertainment. When creating a CIA the Council may choose to limit the type of premises included, e.g. off-licences and nightclubs, late night takeaways and pubs, or any other mixture of premises type. Whereas CIPs could only relate to the sale of alcohol.

2.2 An evidential basis is required for a decision to publish a CIA. The statutory guidance states:

“Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- *local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
- *statistics on local anti-social behaviour offences;*
- *health-related statistics such as alcohol-related emergency attendances and hospital admissions;*
- *environmental health complaints, particularly in relation to litter and noise;*
- *complaints recorded by the local authority, which may include complaints raised by local residents or residents’ associations;*
- *residents’ questionnaires;*
- *evidence from local and parish councillors; and*
- *evidence obtained through local consultation. ”*

2.3 As above at paragraph 1.7 Staffordshire Police have provided statistical data as a starting point to consider the publication of a CIA. This data forms the basis of the Council’s consultation as to whether to publish a CIA. The Police have stated that the area covered by the current CIP is appropriate for a CIA. The current CIP area overlaps two distinct Police reporting areas referred to as IB60 and IB61, but does not incorporate all of the two areas. A copy of the town plan which shows the CIP area compared to the IB60 and IB61 areas is attached as **Appendix B**.

2.4 The Police have provided data that cover the below geographic areas:

1. IB60 and IB61 – extracts are attached as **Appendix C**; and
2. The Whole Borough (including IB60 and IB61) - extracts are attached as **Appendix D**;

2.5 In previous years when implementing and reviewing the CIP the Police have provided data that relates solely to the area known as IB60 and IB61. The inclusion of the data for the whole Borough allows for a comparison to be made against the two areas.

2.6 The data contained within Appendices B, C and D, appear to show that levels of crime and Anti-Social Behaviour remain high throughout the Borough but specifically in the areas known as IB60 and IB61 which includes the area under the current Cumulative Impact Policy. Whilst figures have decreased across the Borough generally there has been an increase in the ‘Town Centre’ in relation to incidents around violence, ASB and Public Order and predominantly in the times associated with the night time economy.

2.7 During the consultation period the Council received five responses from:

- The Council’s Environmental Protection Team, attached as **Appendix E**;
- The Council’s Community Safety and Partnerships Team, attached as **Appendix F**;
- Staffordshire Police’s Central Licensing Team, attached as **Appendix G**;
- Neighbourhood Policing Team for the Town Centre, attached as **Appendix H**;
- The British Beer & Pub Association, attached as **Appendix I**.

A summary of each is included below.

- 2.8 Council's Environmental Protection Team's response relates primarily to the current transition of Newcastle Town Centre to have a more mixed use with the level of residential accommodation increasing, and often in close proximity to licensed premises. Also that the Council's strategic vision for the Town Centre envisages redevelopment of key sites for further residential use and it is important to recognise the importance and impact that the number and type of licensed premises will have on this. The response states that:

"The CIP provides an important policy against which licensing applications and regulation can be assessed to secure and deliver a mixed town centre. Residential uses can be made unviable or unattractive by a dominance of licensed premises in one area or which are focused on a particular sector of the licensed trade such as late night hot food takeaways or nightclubs / vertical drinking premises. We already see a conflict of activity in terms of behaviour of patrons and people moving between establishments, ventilation system noise and odour, waste disposal, all of which are relevant to the Licensing objective concerned with the Prevention of Public Nuisance and some of which also which have a degree of overlap with the Licensing Objectives concerned with the Prevention of Crime and Disorder and Public Safety. Such conflicts will only increase as the town centre is repopulated and repurposed."

They suggest that a CIA that is fit for purpose would benefit the Council and local community but that it should include all licensed premises and not just those associated with the sale and supply of alcohol.

- 2.9 The Council's Community Safety and Partnerships Team response states that they believe there is historical and ongoing evidence to support the publication of a CIA that relates to Newcastle Town Centre. They outline the significant number of licensed premises in close proximity and the historic cumulative impact experienced, give an explanation as to the benefits the existing CIP has had and what a CIA would have, and why they believe that a CIA would be beneficial to implement. They support the proposal that if published the CIA should relate to the existing CIP area.
- 2.10 Staffordshire Police's Central Licensing Team's response outlines the benefits of a CIP/CIA being in place when in receipt of application from premises that have had a negative impact on the locality. They note that several local authorities across the country have removed, or are removing their CIP/CIA due to the current national circumstances but contend that having a CIA in place allows for and assists communities by reducing potential increases in violence and disorder.
- 2.11 The Neighbourhood Policing Team's response backs up the original data provided by Staffordshire Police and gives an oversight as to the result that the pandemic has had on the Town Centre in terms of incidents and Policing. They provide data that relates to periods immediately prior to the pandemic and raise concerns in relation to an increase in reported crime between July and October 2020 when national lockdown restrictions were lifted, that are anticipated to return on the path towards 'normality'.
- 2.12 The British Beer & Pub Association's response gives an overview of the size and breadth of their membership and parties they represent. Their view is that given the current climate, and without being able to determine the full effects of the pandemic on the night time economy, there is not sufficient evidence to support the publishing of a CIA and it may present a barrier for new businesses. They also note that several local authorities across the country have removed, or are removing their CIP/CIA due to the current national circumstances.

2.13 As noted in 2.10 and 2.12 above several Local Authorities have recently determined to remove their Cumulative Impact Assessments in light of the pandemic, including Trafford, Hereford, Bristol, Birmingham and Liverpool.

3. Proposal

3.1 Members note the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that was submitted in advance of the recent consultation

3.2 Members note the information received as part of the recent consultation

3.3 Members determine whether there is currently an evidential basis to publish a Cumulative Impact Assessment to 'replace' the current Cumulative Impact Policy

4. Reasons for Proposed Solution

4.1 The CIP which has operated since 2013 has served the Borough well in limiting serious problems of nuisance and disorder arising from the number, type and density of licensed premises in the town centre. While the current public health emergency has impacted upon footfall and economic activity in the town centre, and thereby nuisance behaviour and disorder, the longer term 'return to normal' is likely to require a continuation of cumulative impact controls. Changes to legislation mean that the current CIP must be replaced with a CIA for cumulative impact to continue to be a feature of the consideration of any new licence. The solution proposed recognises that updated evidence set against the recent trading conditions will be required to justify the adoption of a CIA.

5. Options Considered

5.1 To determine that there is an evidential basis to publish a Cumulative Impact Assessment that covers the existing CIP area and includes all applications that relate to the sale and/or supply of alcohol (**RECOMMENDED**).

5.2 To determine that there is an evidential basis to publish a Cumulative Impact Assessment but to cover a different area and/or includes all applications that relate only to sale/supply of alcohol or to include other licensable activities, such as regulated entertainment or late night refreshment, or to categorise it by type of premises rather than licensable activity e.g. it would apply to nightclubs and late night hot food establishments but not pubs and off-licences etc.

5.3 To not publish a Cumulative Impact Assessment as there is not currently evidence to support one.

6. Legal and Statutory Implications

6.1 Guidance issued regarding the introduction of CIAs under Section 5A of the Licensing Act 2003 recommends that existing cumulative impact controls are considered for replacement with a CIA within 3 years of the operative date of the legislation (6th April 2018), or when the Authority's Statement of Licensing Policy is reviewed, whichever is soonest.

6.2 The Statement of Licensing Policy was presented for re-adoption to this committee however the current public health emergency has potentially changed the evidence base for a CIA

and hence a more detailed consideration is required than envisaged in earlier reports to Committee.

6.3 To maintain cumulative impact controls as part of its licensing policy it is necessary to look afresh at the evidence for them and to undertake the consultation process set out in the legislation prior to replacing the current CIP with a CIA.

7. **Equality Impact Assessment**

7.1 Not applicable.

8. **Financial and Resource Implications**

8.1 There are no financial impacts identified arising from this report.

8.2 Licensing resources will be required to produce a Cumulative Impact Assessment document, and circulate and publish accordingly. The CIA would require regular review at least every 3 years. Those resources currently exist and can be deployed on these tasks.

9. **Major Risks**

9.1 There are risks to the control of the number and type of licensed premises in the town centre associated with the Council not replacing its current CIP with a CIA by 6th April 2021.

10. **Sustainability and Climate Change Implications**

10.1 There are no impacts identified arising from this report.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 The Committee's review of the current CIP controls in April 2018 and 2019 identified the need to continue those controls while a CIA was investigated and adopted if supported by sufficient evidence.

13. **List of Appendices**

- 13.1 Appendix A – Consultation Paper
- 13.2 Appendix B – Plan of CIP and IB60/IB61 area
- 13.3 Appendix C - Data extract for IB60/IB61 area
- 13.4 Appendix D - Data extract for Whole Borough
- 13.5 Appendix E – Environmental Protection Team response
- 13.6 Appendix F – Partnerships Team response
- 13.7 Appendix G – Police Licensing response
- 13.8 Appendix H – NPT response
- 13.9 Appendix I – BBPA response

14. **Background Papers**

14.1 None.



Consultation for Publishing a Cumulative Impact Assessment

Introduction

The Council are undertaking a four (4) week consultation exercise to determine whether a Cumulative Impact Assessment (CIA) should be published to help it limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

Staffordshire Police have indicated their support and submitted statistical data in relation to reported crimes and incidents that have taken place in Newcastle's 'Town Centre' and also the Borough of Newcastle as a whole.

Through this consultation the Council are seeking to identify whether there is a sufficient evidential basis to publish a CIA and if so the area and types of applications that should be included. In particular we are seeking information, and supporting evidence, in respect of:

- Crime and Anti-social behaviour (ASB) statistics;
- Health related statistics, such as alcohol related hospital attendances and admissions;
- Complaints that relation to nuisance, such as litter and noise;
- Complaints raised by local residents or residents' associations;
- Resident feedback;
- Elected Member (local or parish) feedback;
- Other evidence that could be attributed to the Cumulative Impact of Licensed premises.

Background

Cumulative Impact Assessments were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017. In general terms and effect they replace Cumulative Impact Policies (CIP) however there is no statutory transition or conversion process. Before adopting a CIA the authority must establish the evidential basis that one is required, and consult upon its scope and extent with the same persons that must be consulted over the Statement of Licensing Policy (SLP).

The Council's Licensing Committee last reviewed the evidence to support the continuation of its CIP in April 2019. Since that time the current Public Health emergency has impacted significantly on both footfall and economic activity within the current CIP area.

At the October 2020 meeting of the Licensing Committee it was determined to extend the existing CIP to 5th April 2021 to allow for this CIA consultation to take place.

Since July 2013 the Council have had a CIP detailed within our SLP. The CIP was originally requested by Staffordshire Police and has been renewed annually since then. The CIP covers an area known as the 'Town Centre' and overlaps two distinct Police reporting areas referred to as IB60 and IB61, but does not incorporate all of the two areas. A map of the current area is attached as Appendix A.



Staffordshire Police have indicated that the current CIP area is suitable as an area to be included in a CIA.

The data submitted by Staffordshire Police reveals that over the two previous financial years the number of incidents in relation to certain violent offences, ASB and public order have increased within the 'town centre' and there is a prevalence of incidents starting at midnight and going into the early hours, primarily at weekends. It also reveals that between April and November 2020 there has been a general decrease, which it is suggested is associated with the Covid-19 pandemic and the 'lockdown' and 'tier' restrictions placed upon the businesses and persons within the Borough.

Under the CIP only applications to grant and vary authorisations that permit the sale or supply of alcohol can be considered. The provisions of publishing a CIA state that a CIA may relate to all premises licences (PL) and club premises certificates (CPC), or only those described within the assessment. For example a CIA could apply only to all PLs and not to CPCs. Or it could apply to both PLs and CPCs but not to specific types of business e.g. a CIA could be published that does not include a PL that is for a cinema, or late night takeaway business but does relate to pubs, restaurants and nightclubs.

Proposal

1. The Council believe there is an evidential basis to publish a CIA. Whilst certain types of crime and incidents have decreased during the pandemic period it is believed that the nature and number of incidents pre-pandemic will likely return once businesses are permitted to open once again, and a CIA would assist in limiting the number and type of premises that may add to the cumulative impact. We are requesting views from any person, body or party that may have an interest in the matter.
2. As a starting point we are suggesting that the current CIP area is a suitable area for the purpose of a CIA. We are seeking views on whether the current area is suitable, or whether we need to widen or narrow the scope of a prospective CIA.
3. As the CIP was only based upon those premises that proposed, or permitted the sale and supply of alcohol, the Council's proposal is that only applications that relate to alcohol (all grants and variations) are included in the CIA.

Summary

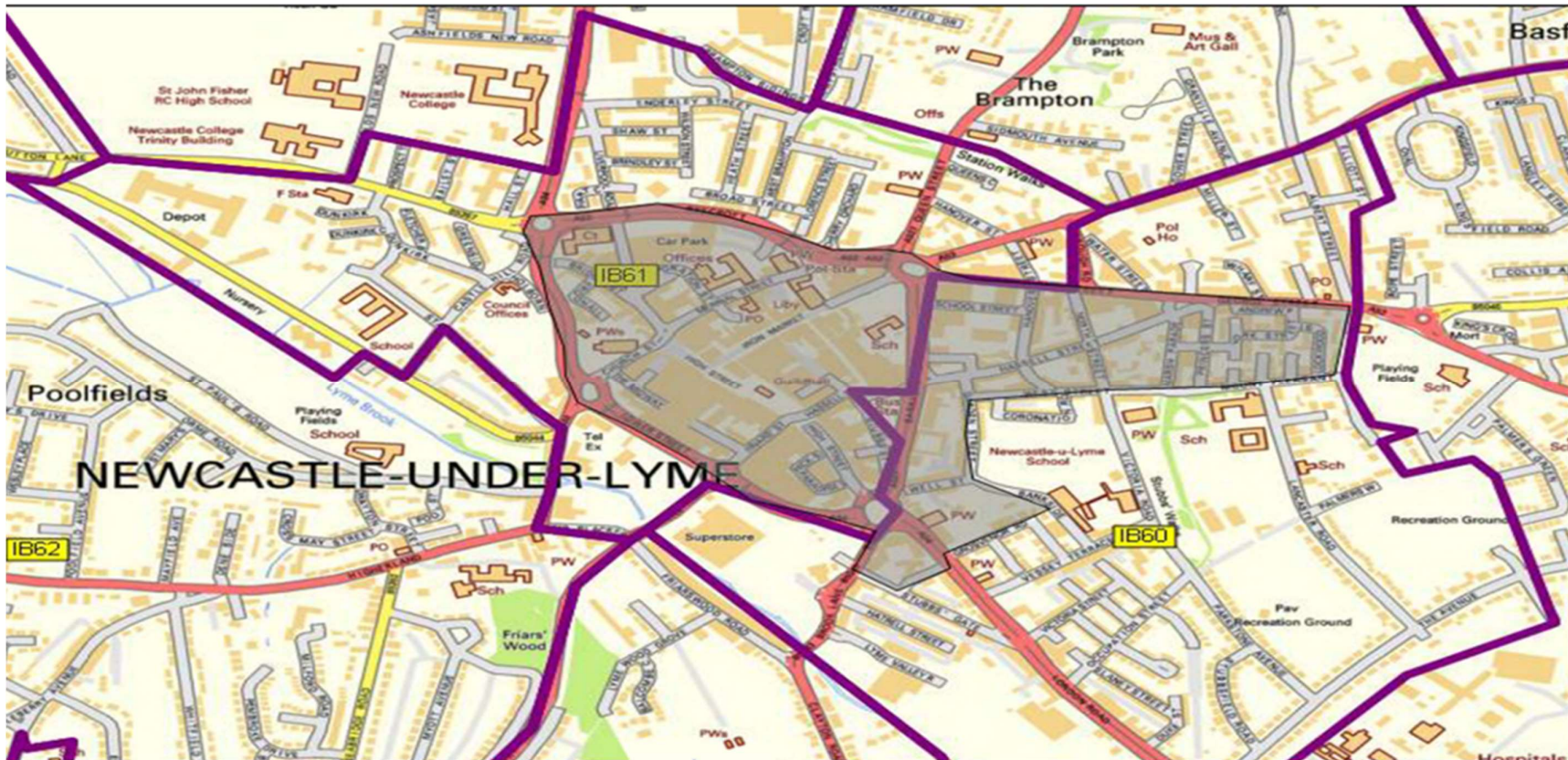
The Council are seeking views, representations in support or objections against, and supporting evidence in relation to the proposal to publish a CIA for the area shaded in grey in Appendix A that relates to all application for premises licences and club premises certificates in relation to sale and supply of alcohol.

To submit a written response please email licensing@newcastle-staffs.gov.uk or by letter to:

Licensing Department
Newcastle-under-Lyme BC
Castle House
Barracks Road
Newcastle-under-Lyme
ST5 1BL

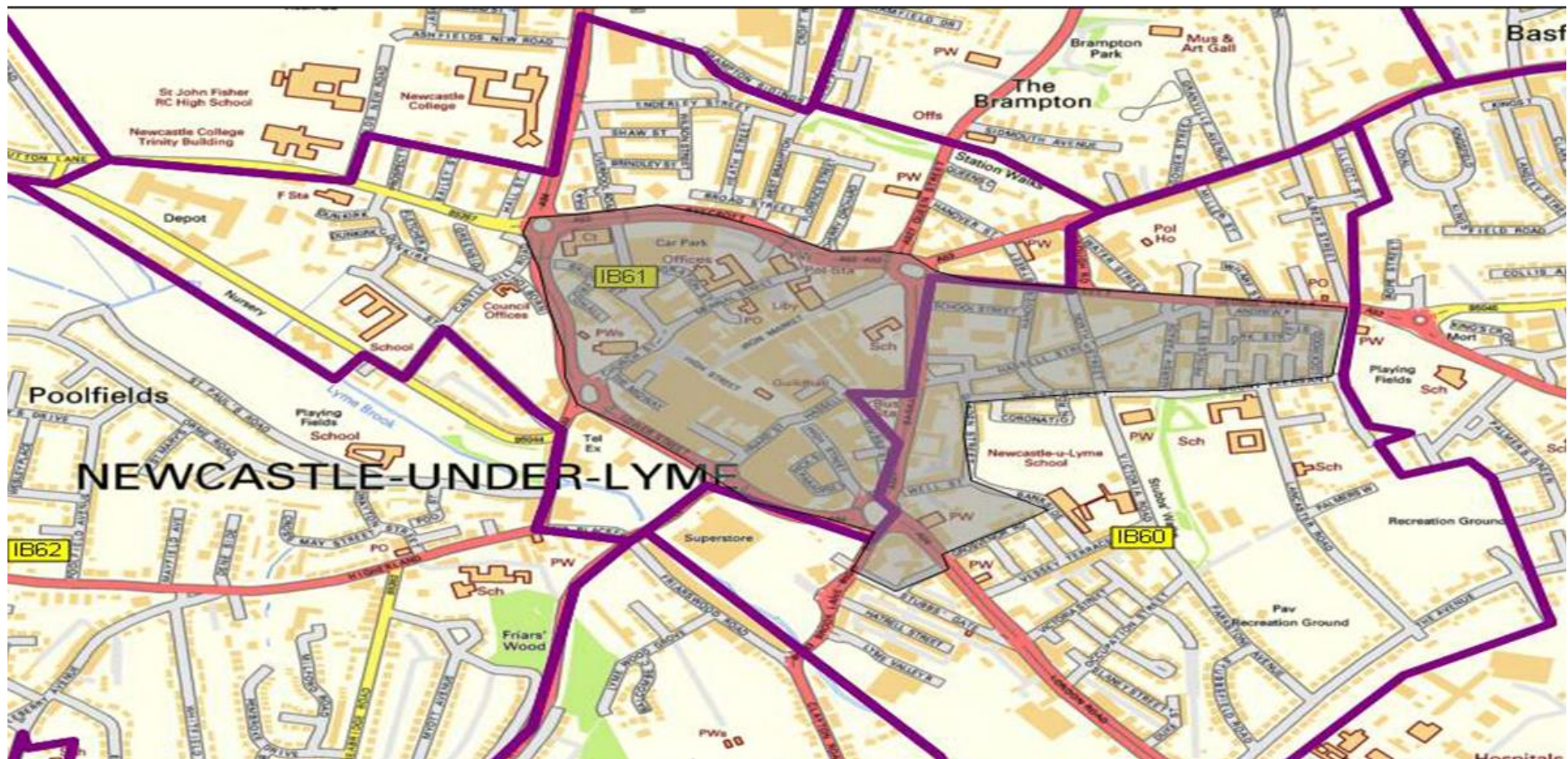
The consultation period runs from **Friday 29th January 2021 to Thursday 25th February 2021.**

Appendix A



The Cumulative Impact Policy area (shaded in grey) falls within two Readily Identified Areas - IB60 & IB61 (identified by the purple lines)

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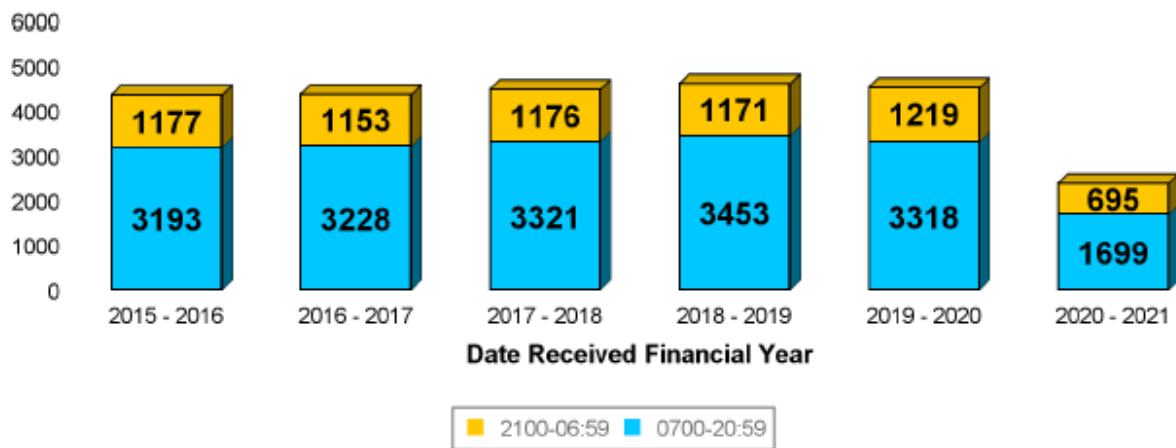
The Cumulative Impact Policy area (shaded in grey) falls within two Readily Identified Areas - IB60 & IB61 (identified by the purple lines)

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Appendix B – IB60 & IB61

All incidents – Figure 1:

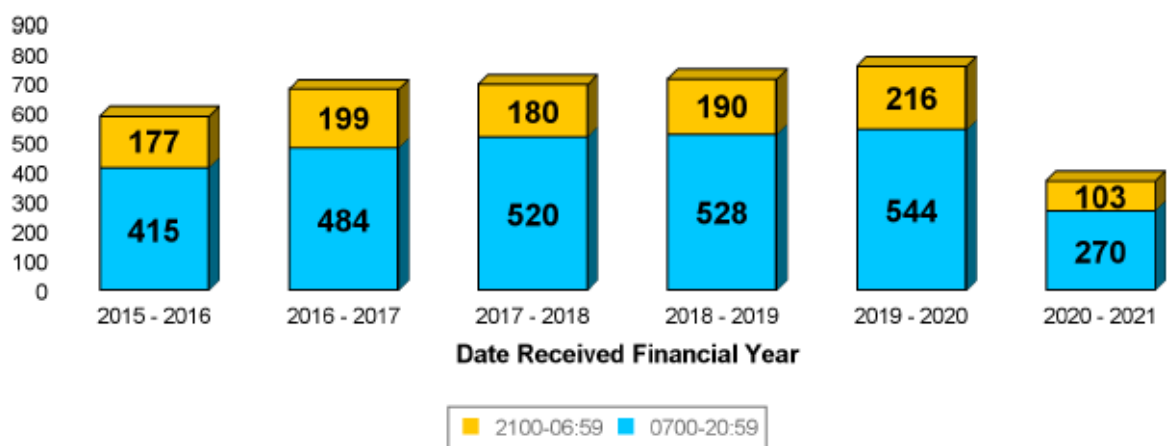
Newcastle CIZ - IB60 & IB61



2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
4,370	4,381	4,497	4,624	4,537	2,394

ASB incidents – Figure 2:

Newcastle CIZ IB60 & IB61

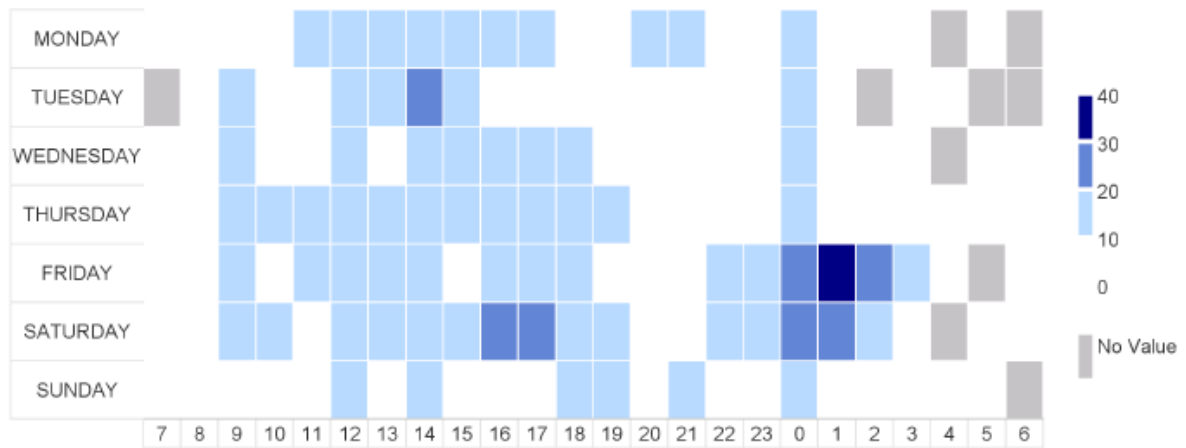


2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
592	683	700	718	760	373

All Crime by Day and Time

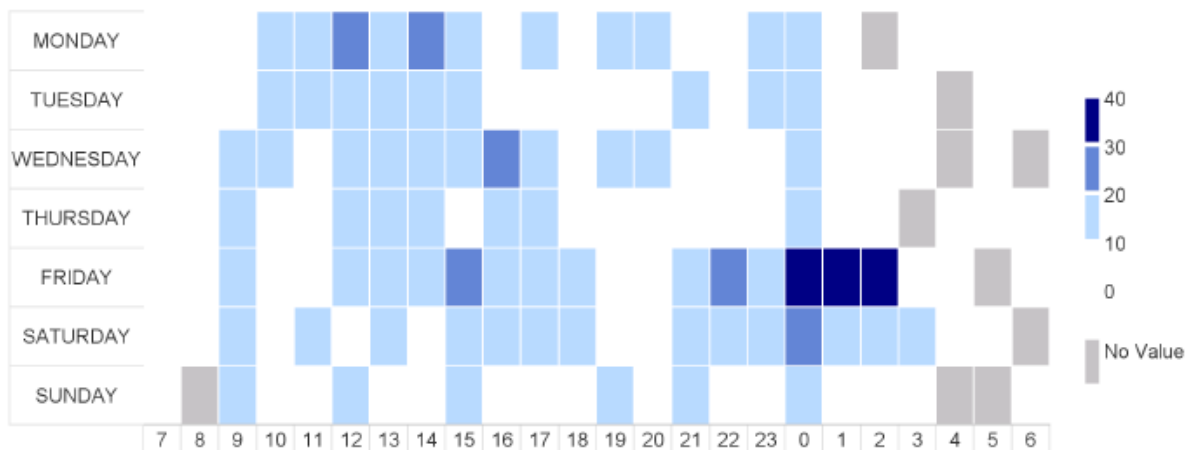
2018-19 – Figure 3:

All Crime by Shift Day and Time



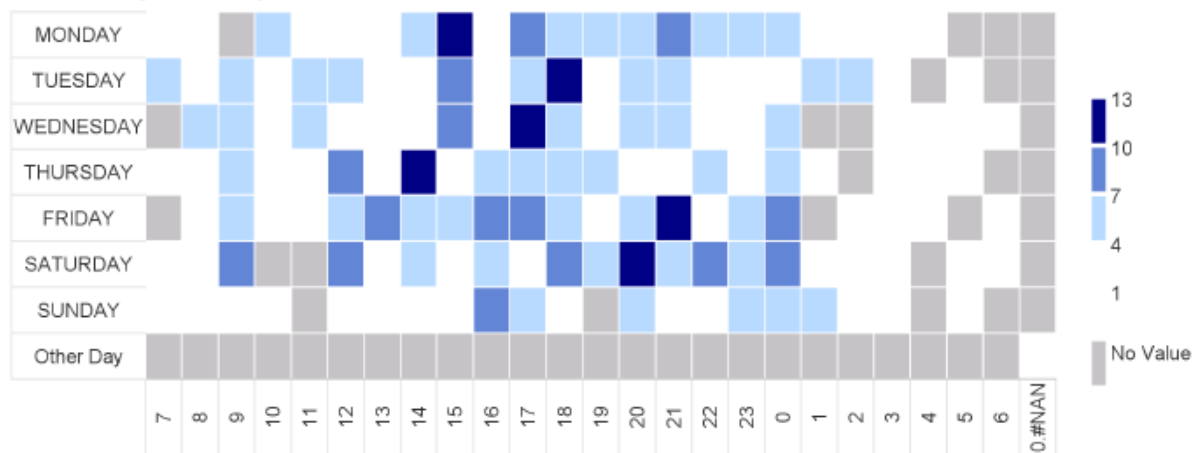
2019-20 – Figure 4:

All Crime by Shift Day and Time



Apr20-Nov20 – Figure 5:

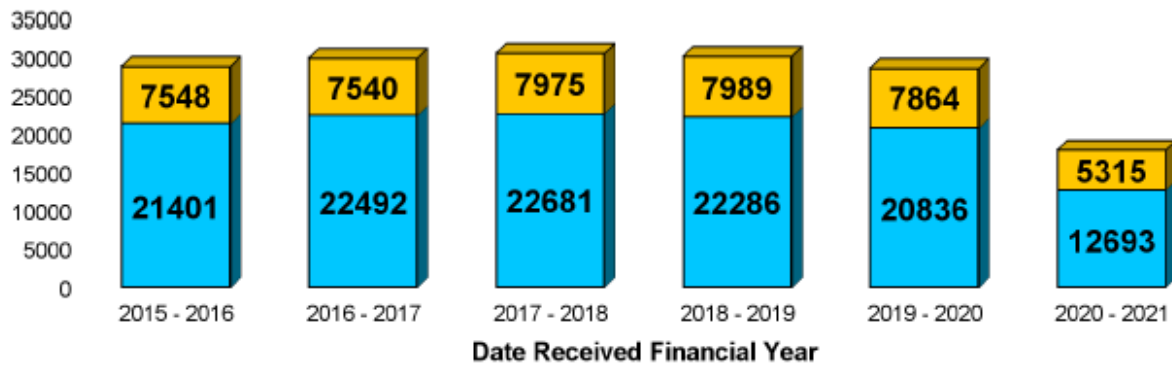
All Crime by Shift Day and Time



Appendix C – Whole Borough

All incidents – Figure 1:

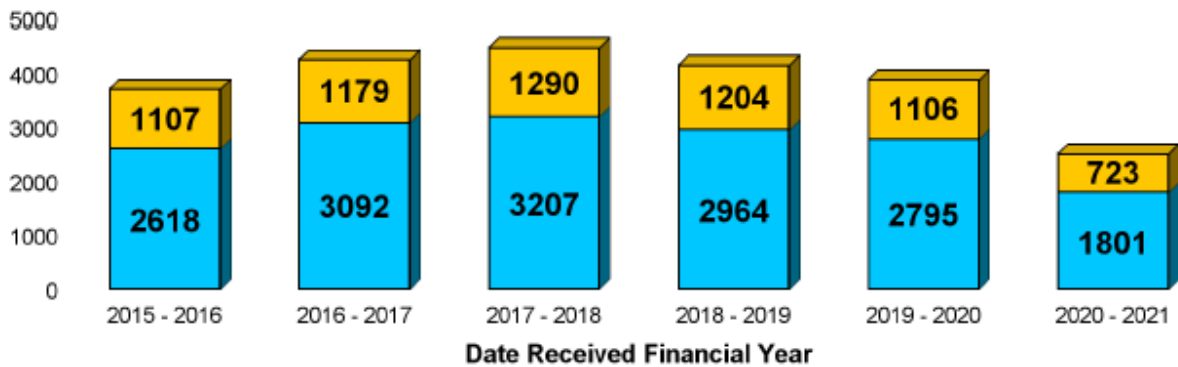
Newcastle NPT (All RIA's)



2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
28,949	30,032	30,656	30,275	28,700	18,008

ASB incidents – Figure 2:

Newcastle NPT (All RIA's)

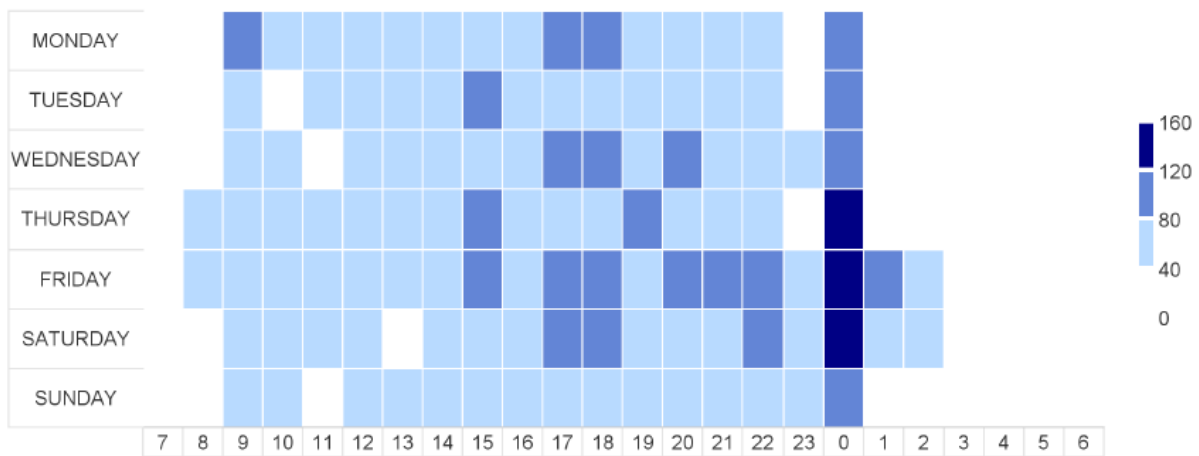


2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
3,725	4,271	4,497	4,168	3,901	2,524

All Crime by Day and Time

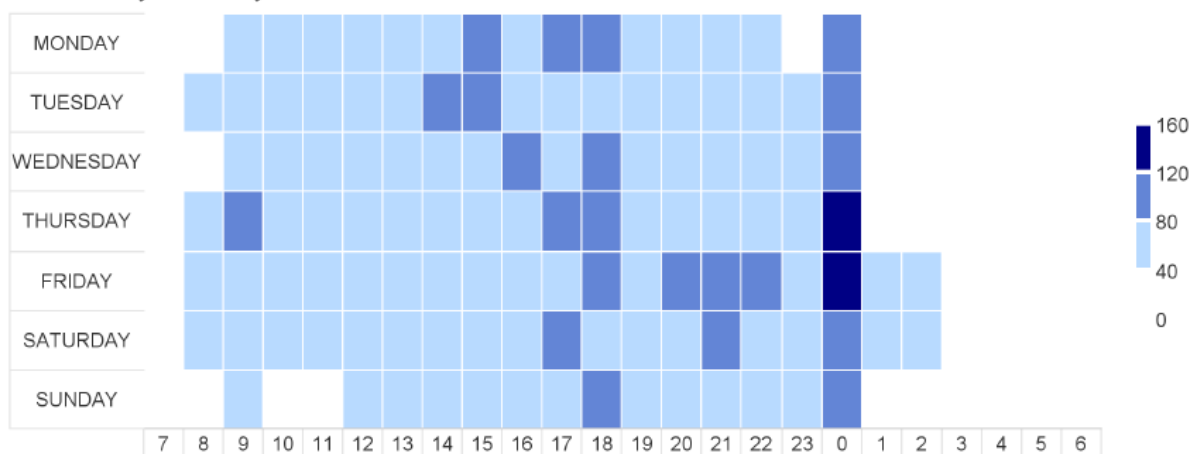
2018-19 – Figure 3:

All Crime by Shift Day and Time



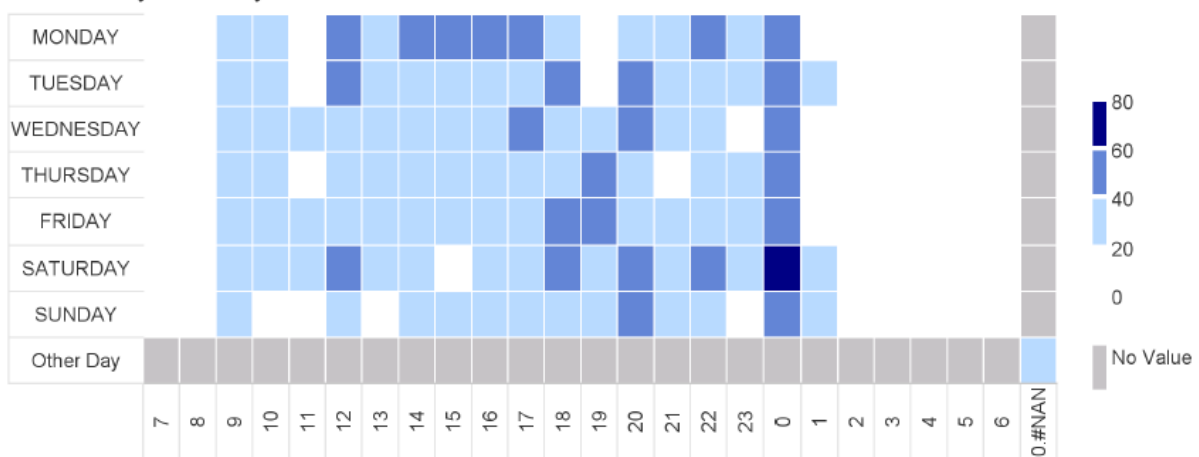
2019-20 – Figure 4:

All Crime by Shift Day and Time



Apr20-Nov20 – Figure 5:

All Crime by Shift Day and Time



Burton, Matthew

From: Walters, Darren
Sent: 25 February 2021 17:11
To: licensing; Burton, Matthew; Barker, Nesta
Cc: Smith, Trevor; Kirk, Mark; Fleet, Shawn; Graham, Kim;
'licensinghq@staffordshire.pnn.police.uk'
Subject: [UNCLASSIFIED] Licensing Act 2003 - NULBC CIA Consultation

[Classification: NULBC **UNCLASSIFIED**]

Dear Licensing Administration

Thankyou for your invitation to provide a response on the proposal to publish a Cumulative Impact Assessment as a basis for assisting with the determination of applications under an updated Cumulative Impact Policy in respect of Licensing Applications and regulation under the Licensing Act 2003 within the Newcastle town centre area.

Newcastle Town Centre has been experiencing a transition away from a shopping and leisure destination towards a more mixed use which includes a number of sites with the current CIP boundary site being converted and purpose constructed for residential accommodation. This rate of transition has been increased with the advent of the Covid-19 pandemic and subsequent local and national restrictions. A number of sites designated for purpose built student accommodation, such as the London Road and site of the former Metropolis in the Midway have been affected by lockdown of the local university sector and have recently applied for and have been granted change of use for open market residential use. We have also seen vacant space above shops and offices repurposed to residential use. Some of these uses are in close proximity or above licensable activity. It is also likely that the number of vacant units and premises within the town centre will see a change of use to a mixture of leisure and residential uses. Indeed the Borough Council's own strategic vision for the town centre, supported by government funding under the Future High Streets Fund and Town Deal, envisages a greater emphasis on the redevelopment of key locations, such as the Ryecroft /the former Sainsbury's and Civic Offices sites as well as the Astley Arcade, for residential use. It is clear that Newcastle needs to move with the times and become a town centre that is fit for the 21st century and is inclusive and attractive inviting place for all. Against this backdrop it is also important to recognise that the licensed trade including hot food takeaways, restaurants, pubs, clubs play an important part in the attractiveness and vitality of the town centre and local economy both during the day and night.

The CIP provides an important policy against which licensing applications and regulation can be assessed to secure and deliver a mixed town centre. Residential uses can be made unviable or unattractive by a dominance of licensed premises in one area or which are focused on a particular sector of the licensed trade such as late night hot food takeaways or nightclubs / vertical drinking premises. We already see a conflict of activity in terms of behaviour of patrons and people moving between establishments, ventilation system noise and odour, waste disposal, all of which are relevant to the Licensing objective concerned with the Prevention of Public Nuisance and some of which also which have a degree of overlap with the Licensing Objectives concerned with the Prevention of Crime and Disorder and Public Safety. Such conflicts will only increase as the town centre is repopulated and repurposed.

I would suggest that an evidence base can be compiled to assist with an updated CIA and which will help to shape a CIP which is fit for purpose and supports the aspirations of the council and local community to see a revitalised and inclusive town centre. The CIA should include consideration of all activity which is Licensable under the LA2003 and not just be focussed on the alcohol trade.

Darren Walters (Team Leader - Environmental Protection)
Newcastle-Under-Lyme Borough Council
Castle House, Barracks Road, Newcastle under Lyme. ST5 1BL

01782 742587

www.newcastle-staffs.gov.uk

It takes 24 trees to produce 1 tonne of paper -think before you print!

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Cumulative Impact Assessment support statement from the Partnerships Team

February 2021

Proposal

1. The Council believe there is an evidential basis to publish a CIA. Whilst certain types of crime and incidents have decreased during the pandemic period it is believed that the nature and number of incidents pre-pandemic will likely return once businesses are permitted to open once again, and a CIA would assist in limiting the number and type of premises that may add to the cumulative impact. We are requesting views from any person, body or party that may have an interest in the matter.

2. As a starting point we are suggesting that the current CIP area is a suitable area for the purpose of a CIA. We are seeking views on whether the current area is suitable, or whether we need to widen or narrow the scope of a prospective CIA.

3. As the CIP was only based upon those premises that proposed, or permitted the sale and supply of alcohol, the Council's proposal is that only applications that relate to alcohol (all grants and variations) are included in the CIA. Summary The Council are seeking views, representations in support or objections against, and supporting evidence in relation to the proposal to publish a CIA for the area shaded in grey in Appendix A that relates to all application for premises licences and club premises certificates in relation to sale and supply of alcohol.

.....

The Partnerships Team at Newcastle Borough Council believe that there is historical and ongoing evidence to support the use and function of a Cumulative Impact Policy (CIP) and also the publication of a Cumulative Impact Assessment (CIA) in relation to Newcastle Town Centre.

The reasons for this are as follows;

1. Newcastle Town Centre has a significant number of licensed premises in close proximity to one another. These are predominantly situated on the High Street, Ironmarket and Hassell Street locations. This has caused a cumulative impact on one or more of the licensing objectives. Historically, pre-pandemic the number and types of crime and incidents were significant enough to justify a CIP for the town centre and furthermore that CIP was broadly effective. The Partnerships Team agree that on the balance of probability once the pandemic period is over and licensed premises reopen for business problems of noise, nuisance, crime & disorder outside of, or a distance away from licensed premises will likely return.
2. There is a belief that once the night time economy restarts admissions to hospital (in particular the A&E department) through alcohol and substance misuse will likely rise once again. We understand and appreciate the significant costs to the NHS from alcohol and drug misuse, costs which would only increase should a CIP not be effectively implemented.
3. A CIP and assessment is deemed necessary to limit the growth of licensed premises especially where the four licensing objectives are being compromised.
4. It is felt that the CIP and assessment allows for a greater degree of scrutiny of new and variation applications (in relation to alcohol) within the proposed boundary. Applicants will have to demonstrate that they will not contribute towards issues such as crime & disorder,

anti-social behaviour etc. This we feel is important going forward because it is of our opinion that an increase in the number of licensed premises serving alcohol within the town centre area could infringe upon the authorities duty to promote the licensing objectives.

5. Given that the proliferation of licensed premises is concentrated predominantly in the heart of the town centre it is felt that the proposed CIP area is suitable. Clearly though if further applications were granted on the outskirts of the town centre we would support a review of the CIP where appropriate.



Consultation Response for Cumulative Impact Assessment

The provision of the Cumulative Impact Policy for the relevant area (subsequently changing to Cumulative Impact Assessments (CIA) if retained) has been relied upon when appropriate to prevent a further rise in alcohol related crime and disorder in relation to licensed premises.

This has only been used when relevant and has not been utilised to prevent economic growth within the town and when the Police use or reference to the policy has been challenged by the legal profession representing the licensing trade the Police have been able to demonstrate that it has been proportionate in the circumstances to cite it.

The Police continue to assess all applications on their own merits and there have been a number of licensed premises, for example, the popular Craft Ale type venues, that through engagement with the applicant have been granted a Premises Licence without the need for a hearing before the licensing subcommittee.

In normal times these businesses continued to flourish largely with no calls for service to the Police, which shows not only the economic prosperity they bring but also an operational demonstration that the licensing objectives are not being undermined.

There are a variant of licensed premises situated within the town centre that due to a number of factors around them that do bring the need for a policing response whether that be from those operationally policing the locality or the Police Licensing Team, and it is premises of this nature where this policy is recognised as being relevant whether it be a new application or a variation to an existing one.

The Police are also aware that some local authorities nationally are removing their respective CIA zones due to the current times we collectively find ourselves in, however, it is contended that Newcastle CIA should remain as with correct usage which is detailed above, and also with the scrutiny of the licensing subcommittee should a matter be brought before them, each application can still continue to be viewed on its own merits with the authorities still having the ability where appropriate to utilise the CIA to keep communities safe from an increase in violence and disorder.

This balanced approach is shown by the Police allowing for both businesses to come to the town centre and prosper without impacting on the already existing issue of violence and disorder, and those which can be shown to have a detrimental impact are prevented when appropriate from further negatively contributing.

It is requested that the Cumulative Impact Assessment be adopted for the relevant area of Newcastle-under-Lyme, as it is an appropriate element contained within the wider Licensing Policy.

PS 4613 Jim Finn
Early Intervention and Prevention Unit.
Licensing Manager.
Block 9
Ground Floor
Staffordshire Police Headquarters
Weston Road
Stafford
ST18 0YY
Email: james.finn@staffordshire.pnn.police.uk

APPENDIX 1



NEWCASTLE UNDER LYME

CUMULATIVE IMPACT POLICY REPORT

TOWN CENTRE

Author: Sergeant 5748 Kramer Caldwell
Date: February 2021
Version: 1/21

- Please note NTE (night time economy) is recorded as 21:00hrs to 07:00hrs and DTE (Day time economy) 07:00hrs to 21:00hrs
Therefore there will be some crossover with night time and day time economy.

INTRODUCTION

I respectfully report the following in relation to a request that a cumulative impact assessment [CIA] be both refreshed and considered for Newcastle under Lyme town centre.

In support of this report I have used information and data provided by Staffordshire Police recording systems and government census.

Newcastle under Lyme town Centre is the focal hub of both day and night time economy within the wider borough. There are a number of satellite parishes including Madeley, Audley and Kidsgrove, including the student / business community of Keele University contained within the footprint of Newcastle under Lyme Borough.

Newcastle under Lyme town centre is the busier area - both from a retail / footfall perspective, and also crime / disorder associated with day and night economy.

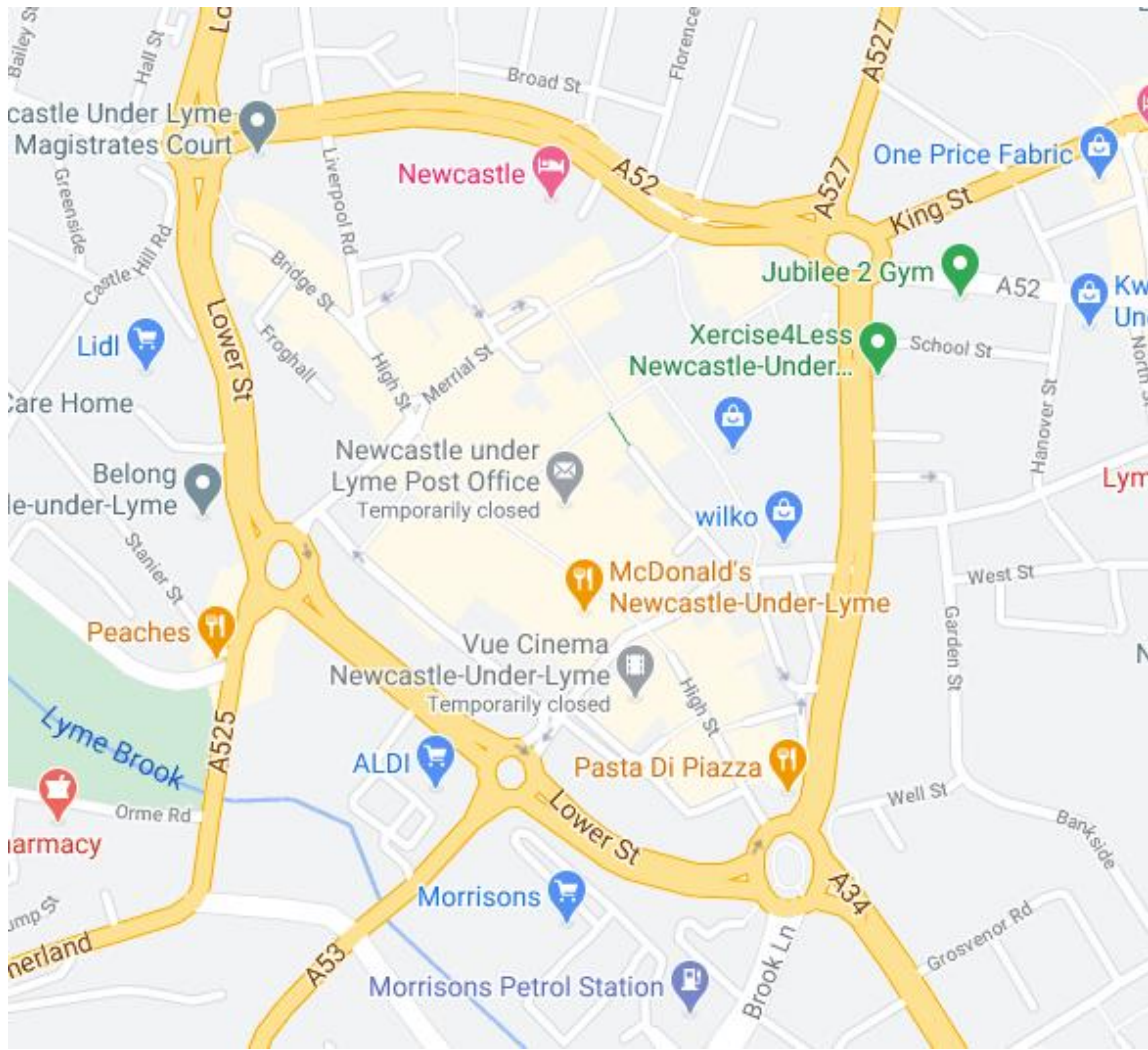
The advent of the Coronavirus pandemic in late 2019, and its subsequent impact on both daytime and night time economy has been dramatic, with a host of businesses subject to lockdown measures and cessation of trading. In reviewing the need to re-apply under the CIA, a comparative model is considered to reflect what is deemed a PRE-COVID19 and a speculative POST-COVID19 environment.

Statistics provided are correct as Month to date [MTD] February 2019 to February 2020 [unless stated]. This period coincides with an environment PRE-COVID19 lockdown.

For the most part crime and disorder attributed to the night time economy takes place as bordered within an area known as the ring-road consisting of the A34, A52, Lower Street & Ryecroft.

For the purposes of this report 'licensed premises' relates to premises licensed to carry out any licensable activity, including the sale of alcohol for consumption on or off the premises and the provision of late-night refreshment. This includes late night food outlets which are not licensed to sell alcohol.

For the purposes of this report the town centre is illustrated on the map below.



Overview

Newcastle town has a mixture of business premises, some of which are licensed to sell food and or liquor and residential premises mainly in the form of multi-storey flats, self-contained apartments and residential properties above or connected to business premises.

Supporting the town centre functions are a host of local authority partner agencies, charities and other marshals.

Recent years have seen business changes with small companies relocating, choosing to invest into the local economy of Newcastle town centre, and some business either cease trading or relocate elsewhere.

There are two main hotels which offer overnight accommodation in the area – both within relative walking distance of the town centre.

Keele University is a short drive from the town centre and hosts around 3,000 students in term time.

Staffordshire Police are aware of a recent premise application and an additional licence application for two premises:

Former BERTS, High Street

Licensed Premises

There are currently 35 licensed premises in Newcastle under Lyme town centre giving a varied mix of businesses involved within both the daytime and night time economy. The vast majority of venues close between 23:00 – 02:00hrs with 3 regular premises making use of an extended 03:00hrs licence on a Friday and Saturday evening.

These are a mixture of bars, pubs and restaurants.

It is observed through discussion with premise managers that licensed premises will employ discretion and close earlier than their normal licensing hours where it is financially advantageous for them to do so.

Friday and Saturday nights traditionally see the most patrons attending the town with average numbers beginning to increase steadily from 18:00hrs and peaking around 22:30 – 23:00hrs.

Venues that close between 02:00 – 03:00hrs will see exiting patrons often gathered in number on both The High Street, Ironmarket, Bridge Street and Hassell Street with two late hours fast food businesses located nearby. Moving forward into 2021 onwards, the prospect of large crowds gathering will be an extra factor to consider both from a public order point of view, but also from any resurgence of transmittable diseases. Such considerations will reflect guidance provided by government.

Popular bars which attract greater number of patrons during evening hours are commonly:

The Kiln, High Street

Mitchells, High Street

Revolution, Hassell Street

Yates, Ironmarket

The Old Brown Jug, Bridge Street

The Arnold Machin - Wetherspoons, Ironmarket

Representations have been made via the support of Staffordshire Police Licensing in recent years to a number of premise owners, and Designated Premise Supervisors (DPS) relating to poor licence observations, drunkenness of patrons, drug possession / supply, violence and related criminality.

It is anticipated, in the wake of a POST-COVID19 environment that an increase for later trading hours for alcohol licensing will be applied for by both existing and new businesses. Such applications would be subject to very close scrutiny and liaison with Staffordshire Police Licensing and Local Authority Licensing teams.

Public / Private Transport

With the support of the local authority, both private hire and hackney carriage services are pooled at agreed locations on Hassell Street / High Street and Newcastle under Lyme bus station during closing hours during the night. Daytime provisions operate within agreed bus routes, taxi ranks and more recently, the ZWINGS rental electric scooter.

Purple Flag Status

Newcastle town centre is proud to host a PURPLE FLAG STATUS offering increased levels of investment to security and safety measures being in place, and a radio system between businesses and police made available. The significance of responsible businesses, the correct application of licensing conditions and security measures ensure a safer environment for staff, visitors and businesses alike. The Purple Flag Scheme is agreed by the Association of Town & City Management (ATCM) and has awarded Newcastle under Lyme town centre its 6th consecutive annual status offering the theme of a vibrant and diverse area to visit and work.

Policing

Night time economy is policed by a small team of officers, complemented by a number of Special Constables based at Castle House, Barracks Road and will offer a combination of high visibility and plain clothes foot patrol of the town centre area from 20:00 – 03:00hrs.

Officers operate a *meet and greet* theme to ensure patrons and premises staff are reassured by an early policing presence when visiting, with this presence continuing into the night.

Police make frequent use of relevant legislation to prevent, detect and deter crime with the focus of promoting a safer environment for businesses and visitors of the town centre.

Temporary highway closures are enacted which are generally with the support of businesses to moderate vehicle / pedestrian access during peak evening and daytime hours. This allows safer passage of pedestrians throughout the busier areas and offers a more controlled and efficient traffic flow.

Structured licensing checks feature as a regular method of monitoring and supporting licensed premises to ensure a safe environment for staff and patrons.

CCTV

The majority of local businesses offer their own private and independent CCTV systems in addition to a system of newly upgraded CCTV cameras owned by Newcastle Borough Council.

50 x cameras provide both police and the local authority safe, secure and compliant coverage of public areas.

The provision of a monitoring terminal for Newcastle under Lyme policing team within Castle House is used daily for both live and evidential reviewing for investigative purposes.

The recent upgrade to a new model of camera and hardware is complemented by an arboricultural plan to make best use of the technology whilst keeping established green areas, plants and trees healthy and intact.

Crime

The following comparative reports of crime are summarised.

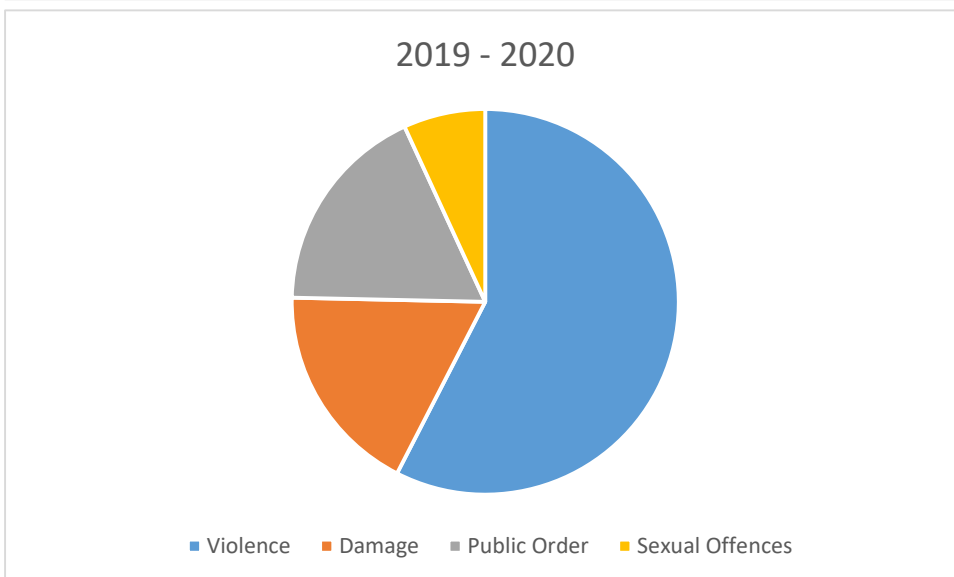
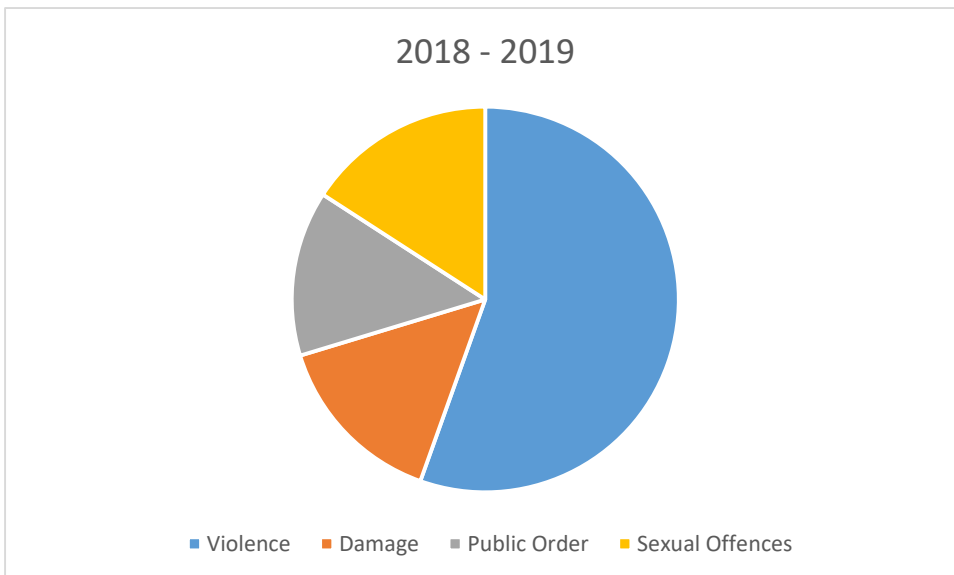
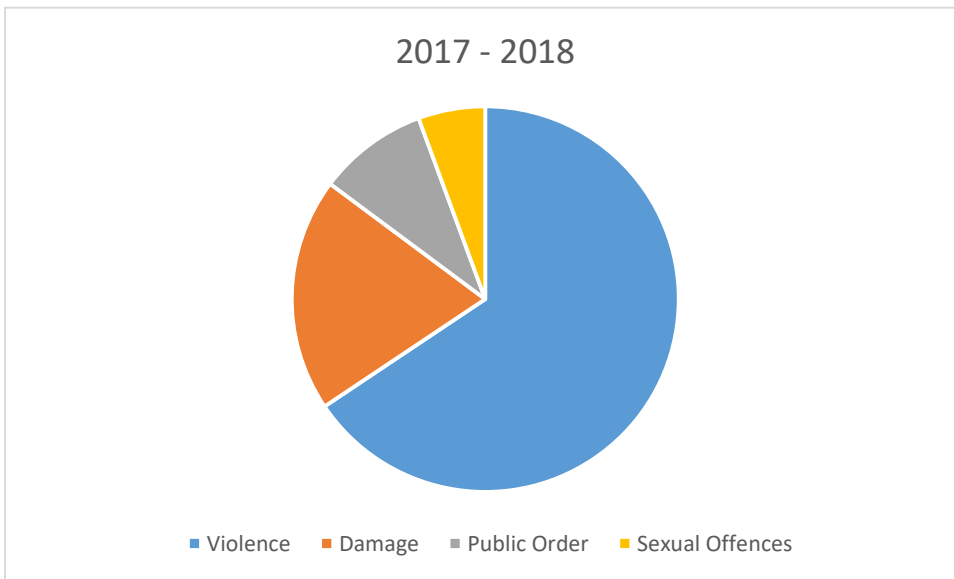
Information taken from STORM police recording system 01/02/2018 – 01/02/2020.

CRIME	2019	2020	+ / -	+ / - %
VIOLENCE	175	178	+2%	+3
ROBBERY	12	12	0	0
SEXUAL OFFENCES	22	24	+9%	+2
PUBLIC ORDER	42	59	+40%	+17
CRIMINAL DAMAGE	76	58	-24%	-18
DRUGS POSSESSION	22	8	-64%	-4

Newcastle under Lyme town centre Sec.35 Dispersal Powers Anti-Social Behavior Act 214

ENFORCEMENT	2019	2020	+ / -	+ / - %
SEC.35 DISPERSAL NOTICES	Data not available	77	N/A	N/A
SEC. 34 DISPERSAL ORDERS	32	37	+5	+15%

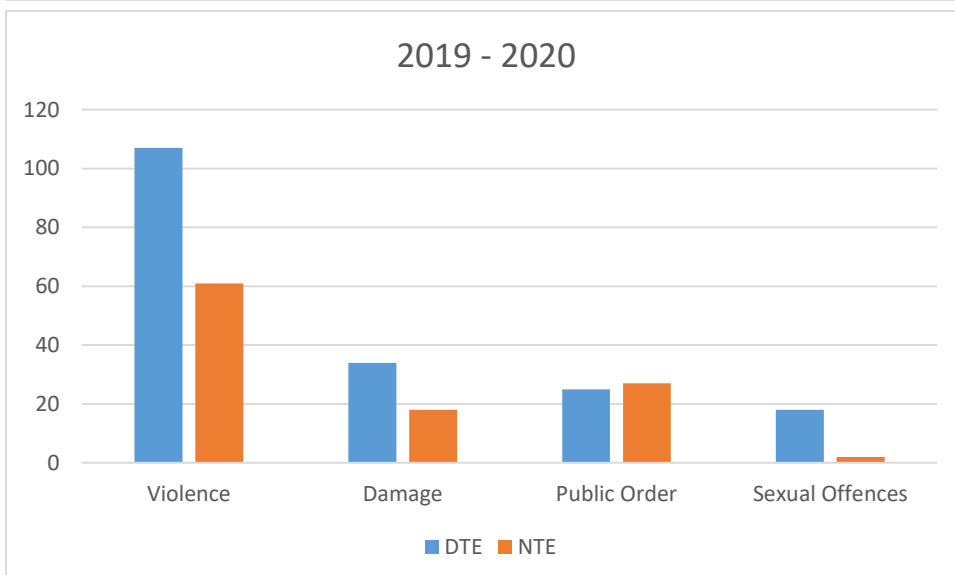
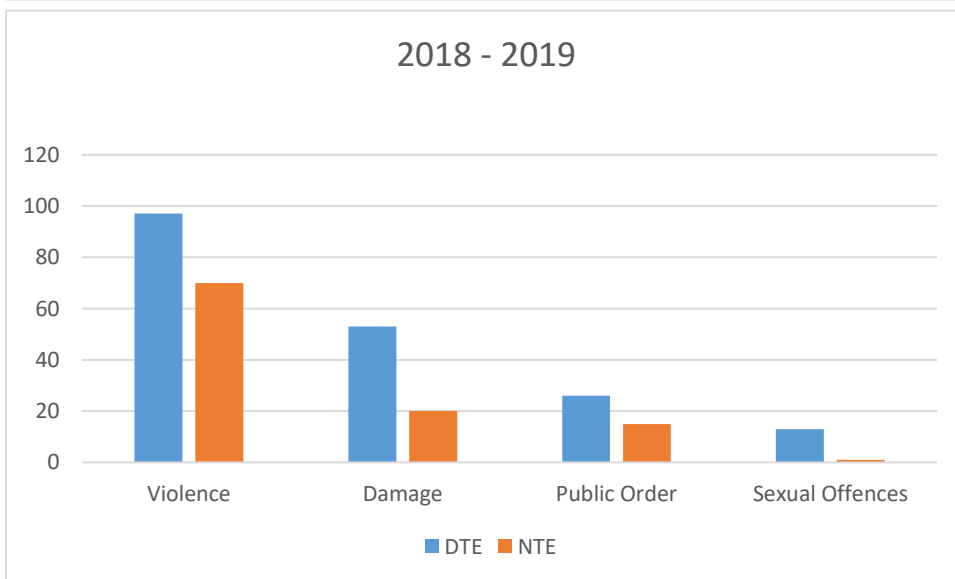
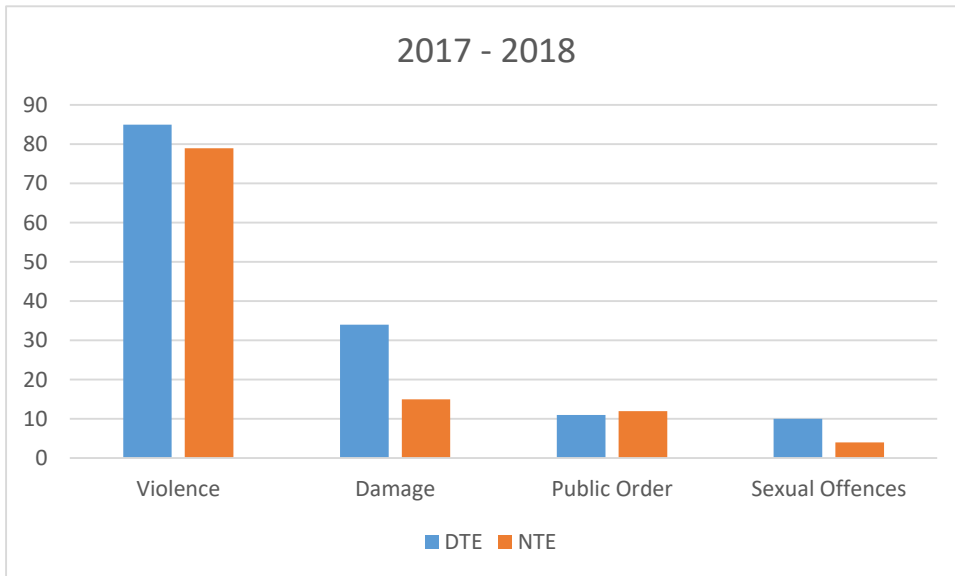
TOTAL CRIME BY PROPORTION



CRIME - DAY VS NIGHT ECONOMY

DTE - 0700 – 2100

NTE - 2100 – 0700



Anti-Social Behavior

Anti-social behavior is classified into three collective groups:

Community

Likelihood of a general and nonspecific effect on an area whether towards businesses, visitors, or residents. Likely to be more than one person / group effected.

Examples of which are begging, street drinking, littering, etc.

Personal

Direct, Indirect or intended effect on an individual or business

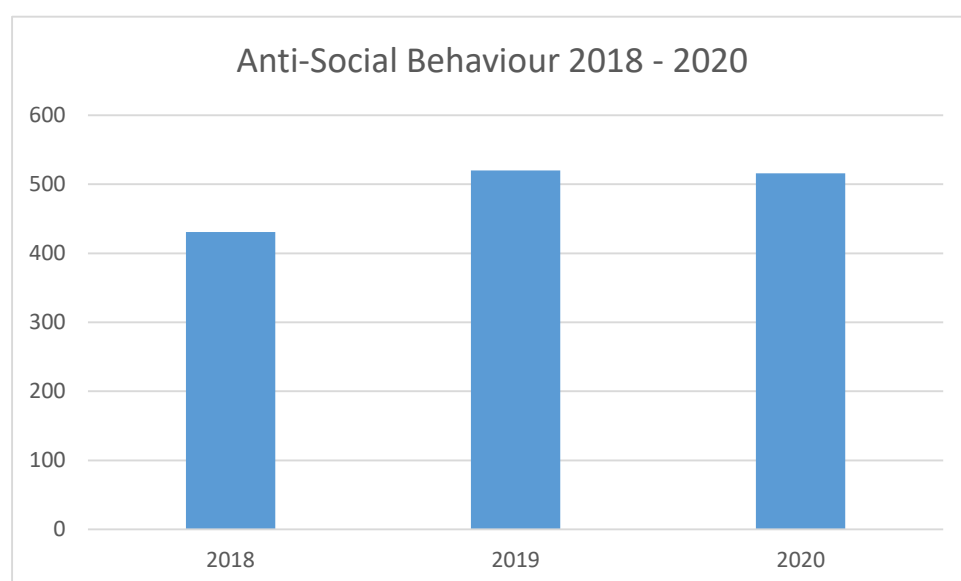
Examples of which – Foul / abusive language, drunken behavior, behavior causing harassment, alarm or distress.

Environmental

Likelihood of impact on environmental issues.

Examples such as – excessive noise, fly-tipping, burning of waste.

ASB	2019	2020	+ / -	+ / - %
COMMUNITY, PERSONAL & ENVIRONMENTAL TOTAL	422	516	+ 22%	+94



ASB is as generally subject to higher reports between the hours of 20:00hrs and 00:00hrs, and peaks at weekends both day and night hours.

Demographic – Newcastle under Lyme (Borough)

	Population (per group)	
	Volume	Per 1,000
Total population	126,052	126.05
Adult population	102,179	102.18
16+ population	105,194	105.19
Child population	22,673	22.67

	Crime		Non Crime	
	Volume	Per 1,000	Volume	Per 1,000
Crimes/Non Crimes (all victims)	2,327	18.46	701	5.56
Crimes/Non Crimes with adult victims	1,564	15.31	590	5.77
Crimes/Non Crimes with victims age 16+	1,606	15.27	604	5.74
Crimes/Non Crimes with child victims	216	9.53	30	1.32

Figures correct from 2014 census data

CONCERNS

There is a consistent theme of crime and anti-social behavior impacting on both daytime and night time economy.

Figures show an increase in sexual offences, violence and public order offences from 2019 to 2020.

Since COVID19 was recorded in the UK, national lockdown measures have dramatically changed, and will continue to shape the daytime and night time economy of Newcastle under Lyme town centre.

During the brief reprise of lockdown measures between July and October 2020, there was an increase in reported crime which was to be anticipated - coinciding with licensed premises reopening and an influx of patrons returning to the [then] first phase of a new norm.

As Newcastle Town Centre slowly moves into a new era of POST-COVID19 measures, as colleges and universities resume and businesses reopen, it is anticipated that a return to normality may very well be met with an increase in crime and anti-social behavior.

It is firmly considered, that a continuance of current policy is allowed to remain in order to offer the best chance of keeping a sense of calm and order to the businesses, residents and visitors of Newcastle town centre.

Newcastle-under-Lyme has seen a sharp increase in both student and affordable accommodation in the form of newly built high-rise apartments within the footprint of the town centre. The face of the town centre continues to change, and a new norm brings with it, new challenges.

Purple Flag Status is a solid standard to keep, and in order to support the local economy, current policy should equally support and protect the next phase of lockdown lifting.

Section 35 dispersal powers will continue to be considered to effectively and safely police the town centre, and a close monitor of their effectiveness will be kept against the impact of crime and disorder on businesses and individuals.

Additionally, an agreed partnership approach will be considered under the umbrella theme of "banned from one, banned from all" to discourage repeat issues and robustly address crime and disorder.

There is an incentive to promote and make better use of police / business linked radio systems, and broaden subscription to same. Business Crime Initiative partners are already in consultation and offer an insight into emerging crime trends, themes, and offer other support where available.

New businesses are warmly welcomed by the local policing team and will be afforded equal levels of support and intervention where needed to tackle crime and disorder.

The Neighborhood Policing Team continue to be key partners in reviewing licence applications providing a practical and informed insight to recommendations based on operational policing experience.

Staffordshire Police as a responsible authority respectfully submit this report as a relevant representation.

Burton, Matthew

From: Andrew Green <[REDACTED]@beerandpub.com>
Sent: 25 February 2021 16:55
To: licensing
Subject: British Beer and Pub Association - response to consultation for publishing a Cumulative Impact Assessment

This email has been received from an address outside the Council, please be very cautious when opening any attachments or clicking on any links herein.

Dear Sirs,

My apologies for not providing a more detailed response, but unfortunately the timescales for the consultation and the focus on other industry priorities at this time has meant that resources have been limited. However, if any of the points below require clarification, please do not hesitate to contact me.

The British Beer & Pub Association is the UK's leading organisation representing the brewing and pub sector. Our members account for some 90 per cent of beer brewed in Britain today, and own around 20,000 of the nation's pubs. A full list of our members can be found [here](#).

Our members operate pubs across the UK and, as such, are impacted by national and local licensing issues. We welcome the opportunity to respond to this consultation and our views are set out below.

Firstly, with regards to the police evidence referred to in the consultation, the full extent of this evidence is not apparent and so it is impossible to challenge its relevance nor how up to date it is.

As councils across the country have been typically removing their CIPs in recent months as part of their reviews of their Statements of Licensing Policy, we feel that this is not the appropriate time for Newcastle-Under-Lyme Borough Council to be considering implementing a CIA.

We would strongly argue that in the current climate, where hospitality (licensed premises) have been severely impacted by the ongoing pandemic, there will be no relevant and current evidence that would support the implemented of a CIA at this time.

There are likely to be a number of licensed businesses that will not survive the financial impacts of the pandemic, which in turn is likely to result in the number of such businesses decreasing. The introduction of a CIA would present a barrier for new businesses to enter the market and to play their part in the recovery of the area.

We would therefore strongly oppose the creation of CIA at this time, before the full effects of the pandemic can be seen and understood.

Yours faithfully,

Andrew Green

Policy Manager - Pub Operations
British Beer & Pub Association
Ground Floor
61 Queen Street
London
EC4R 1EB
Telephone: [REDACTED]
Mobile: [REDACTED]
www.beerandpub.com

www.longlivethelocal.pub



LICENSING SUB-COMMITTEE

Tuesday, 19th January, 2021
Time of Commencement: 10.00 am

Present:

Councillors: Graham Hutton Gillian Williams John Williams

Officers: Anne-Marie Pollard Solicitor
 Geoff Durham Mayor's Secretary / Member
 Support Officer
 Matthew Burton Licensing Administration Team
 Manager
 Julie Moore Licensing Officer

Also in attendance: Applicant
 Resident

Note: In line with Government directions on staying at home during the current stage of the CV-19 pandemic, this meeting was conducted by video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020

1. **APPOINTMENT OF CHAIR**

Resolved: That Councillor Graham Hutton be appointed as Chair for this meeting.

2. **APOLOGIES**

There were no apologies.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **APPLICATION FOR A PREMISES LICENCE - NEWCASTLE GOLF CLUB**

The Sub-Committee considered an application for a new premises licence to provide the sale of alcohol, late night refreshment and live and recorded music and dance.

The licensing sub-committee carefully considered the report including objections from residents, the licensing Act 2003 and its associated guidance. They also heard from the applicant.

Members' attention was drawn to paragraph 1.4 of the report which referred to several changes that the applicant, had agreed to make on the original application.

In addition, the applicant further agreed to:

- The addition of new external doors, creating a porch. These doors would be kept closed.
- The Booking Policy would include reference to children playing outside and routine checks would be made by staff to ensure adherence to the Policy.
- Signage would be placed in the smoking area asking patrons to be conscious of neighbouring properties. Staff would patrol this area also.
- Signage would be placed on the lane to the side stating no parking. Double yellow lines would also be put onto the road.

The Golf Club would remain a private members club and the restaurant would not be open when there were large functions taking place. This would also alleviate any parking concerns. In addition, the Booking Policy could include reference to arriving by coach for larger functions.

Councillor John Williams asked if the applicant could include a taxi policy within the Booking Policy in particular in respect of sounding horns to pick up fares.

The applicant stated that he would ask people making bookings to ask drivers not to sound their horns when collecting. There would be marshals on hand to announce the arrival of taxis.

Resolved: That the application for a new premises licence be granted as per the application with the proposed amendments and those agreed with Environmental Health to be incorporated into the operating schedule.

CLLR GRAHAM HUTTON
Chair

Meeting concluded at 10.45 am

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 16 March 2021

Report Title: Variation of Public Spaces Protection order in respect of Dog Controls

Submitted by: Head of Environmental Health

Portfolios: Environment & Recycling

Ward(s) affected: All

Purpose of the Report

At the meeting on 12th October 2020, Members requested a further report on possible variations of the approved Public Spaces Protection Order (PSPO) in respect of Dog Controls, in particular relating to the setting of a maximum number of dogs. This report is to provide information to the Committee to confirm if they wish to vary the PSPO. If a variation is required to confirm the changes and approve the public consultation on updated proposals.

Recommendation

It is the recommendation that members:

- a) receive the report and
 - b) agree that no further changes or variations to the existing PSPO are necessary
- Or
- c) propose variations to the PSPO number of dogs and/or locations and
 - d) agree to a public consultation on the proposed variations and
 - e) receive a further report following public consultation.

Reasons

To ensure that any planned changes to a Public Spaces Protection Order received appropriate public scrutiny

1. Background

- 1.1 On 12th October 2020 Committee agreed to renew a Public Spaces Protection Order in respect of Dog Controls which had been in force for the previous three years, without material change, following a period of public consultation.
- 1.2 However, Members expressed concern that one of the controls, which sets a maximum number of six dogs in seven key parks, needed further consideration and may need stronger restrictions
- 1.3 Officers advised that if Members wished to change this element, a revised proposal needed to be identified and the support of residents / evidence sought to justify the increased impact of the changes

2. Issues

2.1 A local authority may make or change a public spaces protection order if it is satisfied on reasonable grounds that two conditions are met.

The first condition is that—

- (a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

2.2 The Order can be varied by increasing or reducing the restricted area (i.e. adding new locations); and / or by altering or removing a prohibition or requirement included in the order, or adding a new one (e.g. by setting a changed maximum, or other associated conditions).

2.3 The authority is obliged to offer supporting evidence for setting / changing controls, to show that they are both required and their impact can be justified, and to seek the views of its residents and key stakeholders through formal consultation, publicising any proposed changes.

2.4 It is anticipated that two stages will be required. The first ‘scoping’ stage needs to clarify the appropriate numbers for controls and where they should apply. A second ‘proposal’ stage could then formally publicise a proposed variation and seek resident’s views on the order through a consultation process, as set in statute.

2.5 Whilst controls which oblige dog walkers to remove faeces if their dog fouls a public place, and controls obliging dog owners to keep their pet on a lead in locations such as cemeteries are strongly supported, controlling the number of dogs which can be exercised together divides opinion.

2.6 Borough residents were asked whether controls set in 2017 should continue via a public consultation carried out in August and September 2020 and gave the following response

	Agree	Don’t know	Disagree
Q5) Maximum six dogs. Do you agree that we should continue to set a maximum that no more than six dogs can be taken by any one person, into the following locations:			
Apedale Country Park	76%	8%	16%
Bateswood Country Park	76%	8%	16%
Bathpool Park	78%	8%	14%
Clough Hall Park	78%	8%	14%
Silverdale Country Park	77%	7%	16%
Lyme Valley Parkway	78%	8%	14%
Birchenwood Country Park	75%	8%	16%

In additional comments, a number of respondents suggested that the maximum number should be reduced. Full responses were published in Committee’s 12th October 2020 report.

2.7 In their guide “Dealing with irresponsible dog ownership: Practitioner’s manual”¹ (October 2014) DEFRA advises:

*“When setting the maximum number of dogs able to be walked by one person, the most important factor for authorities to consider is the maximum number of dogs which a person can control; **expert advice is that this should not exceed six**. Authorities should also take into account the views of dog owning and non-dog owning residents within the area to which the Order will apply, to establish what they consider to be an appropriate maximum number taking into account all the circumstances in the area. Key factors will include whether children frequently use the area, if the park is heavily populated etc.”*

2.8 The views of the RSPCA, Dogs Trust, Kennel Club, Staffordshire Police and Crime Commissioner, Staffordshire County Council, The Land Trust and The Duchy of Cornwall have been sought to help establish if the animal charities, enforcers, or public land owners were able to help guide Members.

2.9 RSPCA offered the following Comments:

“The RSPCA recognises that it is more difficult to regulate dog walkers based on measures other than absolute numbers. However, small numbers of dogs can also cause a nuisance and distress as a result of a dog walker not being in control of them. We are aware that local authorities have introduced PSPOs which allow for dog walkers to be fined where the maximum number of dogs has been exceeded and the RSPCA has also supported penalties for dog walkers causing a nuisance and distress with a smaller number of dogs.

However, we have stressed that should such an approach be adopted, enforcing officers need to be demonstrably competent in recognising when dogs are causing nuisance and distress to ensure the fines are issued fairly and are necessary.”

2.10 The Kennel Club’s view is as follows:

“Maximum Numbers

We feel that an arbitrary maximum number of dogs a person can walk is an inappropriate approach to dog control that can result in displacement and subsequently intensify problems in other areas. The maximum number of dogs a person can walk in a controlled manner is dependent on a number of other factors relating to the walker, the dogs being walked, whether leads are used, and the location where the walking is taking place.

An arbitrary maximum number can also legitimise and encourage people to walk dogs up to the specified limit, even if at a given time or circumstance they cannot control that number of dogs.

We thus suggest instead that defined outcomes are used to influence people walking one or more dogs – domestically or commercially – such as dogs always being under control or on lead in certain areas. An experienced dog walker, for example, may be able to keep a large number of dogs under control during a walk whilst an inexperienced private dog owner may struggle to keep one dog under control. Equally, the size and training of dogs are key factors, hence why an arbitrary maximum number is inappropriate. The Kennel Club would recommend the local authority instead uses the ‘dogs on lead by direction’ measures and other targeted approaches – including Acceptable Behaviour Contracts and Community Protection Orders – to address those who do not have control of the dogs that they are walking.

A further limitation of this proposed measure is that it does not prevent people with multiple dogs walking together at a given time, while not exceeding the maximum number of dogs per person. Limits may also encourage some commercial dog walkers to leave excess dogs in their vehicles, causing severe animal welfare concerns.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf

If the proposed measure is being considered as a result of issues arising from commercial dog walkers, we suggest councils instead look at accreditation schemes that have worked successfully in places like East Lothian. These can be far more effective than numerical limits as they can promote good practice rather than simply curbing the excesses of just one aspect of dog walking. Accreditation can also ensure dog walkers are properly insured and act as advocates for good behaviour by other dog owners.

Appropriate signage

It is important to note that in relation to PSPOs, The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 makes it a legal requirement for local authorities to –

“cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to –

(i) the fact that the order has been made, extended or varied (as the case may be); and

(ii) the effect of that order being made, extended or varied (as the case may be).”

Regarding dog access restrictions, such as a ‘Dogs on Lead’ Order, on-site signage should clearly state where such restrictions begin and end. This can be achieved with signs that say on one side, for example, ‘You are entering [type of area]’ and ‘You are leaving [type of area]’ on the reverse.

With regards to the proposed variation, the Council should erect appropriate signage to inform dog walkers that they are entering an area with restrictions on the number of dogs that can be walked by one person at any given time, to ensure that the measure is compliant with legislation.

2.11 The Land Trust, which maintains Silverdale Country Park offers the view:

“We are broadly content with the existing rules which stipulate a maximum of 6 dogs can be walked by one person at any one time. This aligns with our own ‘Dog walking code’ at Silverdale Country Park.

There have been some issues regarding the ‘per person’ element, as under the current rules a group of two walkers could legitimately have 12 dogs between them (or 3 walkers 18 etc). We would welcome consideration of an amendment to the rule, so that the ‘Six dogs’ rule applies to a group of walkers, rather than an individual.

If the above amendment cannot be made, we are content with the existing rules, as they have been since 2017. We would not support the rule being relaxed, to allow more than six dogs per person”.

2.12 No other responses have been received.

2.13 One in four households (14,000) in Newcastle are thought to own a dog. Of those around 72% have just one dog, about 22% two dogs, 4% have 3 dogs with the remaining 2% (280 families) owning 4 or more dogs.

2.14 Whilst most residents will walk just their own dogs, some may also walk neighbour’s/relatives dogs along with their pet and there are an increasing number of businesses which walk other people’s dogs. Setting a lower limit could impact adversely on these people and result in them switching to other locations.

2.15 The current wording of the control create an offence for a person to take more than six dogs into a restricted location. A number of respondents make the valid point that a number of dogs may be exercised together by a family group, or when friends meet.

2.16 Whilst there are a small number of reports to the Dog Warden of residents feeling intimidated when meeting a number of dogs, the majority of reports of injury stem from encounters with typically a single dog, generally where one dog shows aggression to another.

2.17 There is currently no clear definitive evidence in relation to the 6 dog rule.

3 Options

3.1 Members have a range of options including:

- (a) Make No Change. Retain the current controls as set in the present PSPO so that enforcement action is only triggered if a person take more than six dogs into one of the seven parks currently identified namely:
 - a. Apedale Country Park
 - b. Bateswood Country Park
 - c. Bathpool Park
 - d. Clough Hall Park
 - e. Silverdale Country Park
 - f. Lyme Valley Parkway
 - g. Birchenwood Country Park (**RECOMMENDED**)
- (b) Change Maximum Numbers. Propose a different maximum e.g. 5 or 4, consult residents and establish if the revised number can be justified
- (c) Changed Locations: Add additional places to the list at (a) and consult residents. Locations should have clear boundaries / access points so that it is clear to dog walkers when they are entering and leaving an area with restrictions.
- (d) Remove Control: Decide that setting a number or defining specific locations is inappropriate and remove this element entirely from the PSPO

4 Proposal

4.1 Officers recommendation remains that the current maximum of six dogs at the seven specified locations should remain unchanged (option a above). Officers cannot currently offer evidence that setting a lower number will materially change the number of dog related injuries or public complaints. Reducing the number is likely to prevent professional dog walkers from using these key green spaces resulting in their greater use of less suitable locations such as sports pitches.

4.2 It is the recommendation that members:

- a) receive the report and
- b) agree that no further changes or variations to the existing PSPO are necessary
or
- c) propose variations to the PSPO number of dogs and locations and
- d) agree to a public consultation on the proposed variations and
- e) receive a further report following public consultation.

5 Reasons for Proposed Solution

5.1 Members have requested further information in relation to the number of dogs element of the PSPO controls. Officers have sought additional information, which is set out in the report. The

information does not provide a clear steer regarding the number of dogs or proposed locations for these controls.

6. **Legal and Statutory Implications**

6.1 Public Spaces Protection Orders must be made, extended, varied or discharged in accordance with the Anti-social Behaviour, Crime and Policing Act 2014

6.2 Details a PSPO that is made, extended, varied or discharged must be published in accordance with The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. The Act sets lighter touch consultation requirements to save costs (for example, there is no duty to advertise in local newspapers).

6.3 An appeal to the High Court can be made by someone who lives in the area or regularly visits the area and must be made within six weeks of the order or variation of the order being applied for. However, this does not preclude others (such as national bodies) from seeking judicial review.

7. **Equality Impact Assessment**

Not applicable

8. **Financial and Resource Implications**

The continuing of current controls creates no additional resource demands or savings

9. **Major Risks**

Not applicable

10. **Sustainability and Climate Change Implications**

Not Applicable

11. **Key Decision Information**

Not Applicable

12. **Earlier Cabinet/Committee Resolutions**

Members agreed the current controls on 12th October 2020.

13. **List of Appendices**

none

14. **Background Papers**

none

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 16 March 2021

Report Title: Public Protection Sub-Committee Arrangements

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To inform Members of the future rota of attendance at the Public Protection Sub-Committee meetings.

Recommendation

1. That Members receive the report and note the date and time that their proposed attendance at sub-committee is necessary.
2. Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.

Reasons

Following amendments to the Licensing and Public Protection Committee constitutional arrangements in 2018 to delegate decisions to the Public Protection sub-committee a programme of meetings was agreed and included Member attendance. This report is to notify Members of the dates and times they have been scheduled to attend future Public Protection sub-committee.

1. **Background**

- 1.1 In May 2018 the Committee arrangements for the creation of a joint Licensing and Public Protection Committee and a Public Protection Sub-Committee was approved and subsequently implemented.
- 1.2 At Public Protection's July 2018 meeting members requested a review of the Sub-committee arrangements, as member availability during the daytime was limited, in order to run the committees.
- 1.3 At the September meeting members agreed to make amendments to the Sub-Committee arrangements some of which required Council approval.
- 1.4 On 21st November Council approved the changes to the constitution to enable the changes to be implemented.
- 1.5 On 11th December a report on the proposed arrangements was presented to Committee, this was agreed in principle but officers were asked to amend to avoid meeting clashes.

1.6 At the 22nd January 2019 meeting an updated programme was approved.

1.7 Following the change in members for the committee in 2019 the programme was updated to take into account of these changes.

1.8 We are coming to the end of the current programme and are required to set a new one.

2. Issues

2.1 Members have previously agreed the following public protection sub-committee arrangements:

- Meeting will be held on a Wednesday, alternating between 2pm and 6pm start times.
- Committees will be held about every 3 weeks.
- 5 reports/cases will be on the agenda, unless agreed with chair.
- Further meetings may be programmed, if needed.
- A programme of meetings and nominated members will be developed and reported to public protection committee. This will include 4 members per sub-committee to ensure a quorum of 3 members attendance.
- The sub-committee chair to be agreed between the sub-committee members.
- Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.

2.2 Members have previously selected a preference for their availability and this has been taken into account when developing a programme of meetings. In order to develop the programme in accordance with the committee decision, it has meant that members that were able to attend both daytime and evening meetings have been scheduled to support more daytime than evening meetings.

2.3 The programme includes the remaining meetings under the current agreed programme, upto 5th May 2021, and the newly proposed programme until 30th March 2022.

2.4 An updated programme of meeting would be as follows:

Date	Time (pm)	Member 1	Member 2	Member 3	Member 4
24/3/2021	2	Cllr John Williams	Cllr John Cooper	Cllr Dave Jones	Cllr June Walklate
14/4/2021	6	Cllr Sylvia Dymond	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney
5/5/2021	2	Cllr Ruth Wright	Cllr John Williams	Cllr Graham Hutton	Cllr Andrew Parker
26/5/2021	6	Cllr John Cooper	Cllr Dave Jones	Cllr June Walklate	Cllr Ruth Wright
16/6/2021	2	Cllr Sylvia Dymond	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney
14/7/2021*	6	Cllr Gill Williams	Cllr Graham Hutton	Cllr Andrew Parker	Cllr John Williams
28/7/2021	2	Cllr Jill Waring	Cllr Simon White	Cllr Gill Heesom	Cllr Sylvia Dymond
18/8/2021	6	Cllr Dave Jones	Cllr June Walklate	Cllr Graham Hutton	Cllr John Williams

Date	Time (pm)	Member 1	Member 2	Member 3	Member 4
15/9/2021*	2	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney	Cllr Gill Heesom
6/10/2021*	6	Cllr John Cooper	Cllr Ruth Wright	Cllr Andrew Parker	Cllr Gill Williams
20/10/2021	2	Cllr Simon White	Cllr Jill Waring	Cllr Sylvia Dymond	Cllr Graham Hutton
10/11/2021	6	Cllr Gill Williams	Cllr June Walklate	Cllr Dave Jones	Cllr John Williams
24/11/2021*	2	Cllr Gill Heesom	Cllr Jill Waring	Cllr Mark Olszewski	Cllr Anthony Kearon
15/12/2021**	6	Cllr Andrew Parker	Cllr John Cooper	Cllr Ruth Wright	Cllr Simon White
19/1/2022	2	Cllr Stephen Sweeney	Cllr Jill Waring	Cllr Simon White	Cllr Gill Heesom
9/2/2022	6	Cllr John Williams	Cllr John Cooper	Cllr Dave Jones	Cllr June Walklate
2/3/2022	2	Cllr Sylvia Dymond	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney
30/3/2022*	6	Cllr Ruth Wright	Cllr John Williams	Cllr Graham Hutton	Cllr Andrew Parker

* denotes meetings that do not fit on the 3 week cycle due to clashes with other meetings such as Cabinet;

** denotes the meeting which has been brought forward due to the Christmas period

3. **Proposal**

3.1 That Members receive the report and note the date and time that their proposed attendance at sub-committee is necessary;

And

Should members be unable to attend the sub-committee that they notify Democratic Services

4. **Reasons for Proposed Solution**

4.1 To enable Committee to determine applications in the most efficient, effective and practical manner.

4.2 To enable Committee to determine applications in the most efficient, effective and practical manner.

5. **Options Considered**

5.1 In line with the Council's objectives –

- Local services that work for local people
- A healthy, active and safe Borough
- A town Centre for all.

6. **Legal and Statutory Implications**

6.1 The Local Government Act 1972, section 101 allows the Council to arrange for a Committee, Sub-Committee or an officer or another local authority to carry out its powers and duties.

7. **Equality Impact Assessment**

7.1 The applications will be undertaken to accord with the Human Rights Act 1988, Article 6(1) guarantees an applicant a fair hearing and Article 14 guarantees no discrimination. If the applicant disagrees with the Members decision they have the right to appeal.

8. **Financial and Resource Implications**

8.1 There will be resource implication including Member participation in the sub-committees and officer support from Environmental Health, ICT, Legal and Democratic services.

9. **Major Risks**

9.1 There are no major risks associated with this report.

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

Council Meeting 16th May 2018
Licensing & Public Protection Meeting 27th June 2018
Licensing & Public Protection meeting 18th September 2018
Council Meeting 21st November 2018
Licensing & Public Protection meeting 11th December 2018
Licensing & Public Protection meeting 22nd January 2019
Licensing & Public Protection meeting 5th August 2020

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 Not applicable

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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