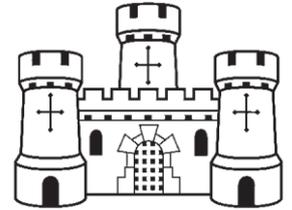


Public Document Pack

Date of meeting Tuesday, 27th July, 2021
Time 7.00 pm
Venue Astley Room - 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 3 - 6)
- 4 BUSINESS AND PLANNING ACT 2020 UPDATE** (Pages 7 - 10)
- 5 GAMBLING ACT 2005 - REVIEW OF STATEMENT OF LICENSING PRINCIPLES (GAMBLING POLICY)** (Pages 11 - 42)
- 6 FOOD SAFETY SERVICE PLAN 2021-22** (Pages 43 - 62)

FIVE MINUTE BREAK

PART 2 - PUBLIC PROTECTION (OPEN)

- 7 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**
To receive declarations of interest from Members on items contained within the agenda
- 8 PUBLIC PROTECTION SUB-COMMITTEE ARRANGEMENTS** (Pages 63 - 66)

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 67 - 83)

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), Sylvia Dymond, Dave Jones, Tony Kearon, Mark Olszewski, Gillian Williams, John Williams, Ruth Wright, John Cooper, Andrew Parker, Stephen Sweeney, Gill Heesom, Jill Waring and June Walklate

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 | Gary White |
| | Trevor Johnson | Marion Reddish |
| | John Tagg | Sue Moffat |
| | Paul Northcott | Silvia Burgess |
| | Ian Wilkes | |

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.

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 16th March, 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 |
| | Sylvia Dymond | June Walklate | Ruth Wright |
| | Gill Heesom | Jill Waring | Paul Northcott |

| | | |
|-----------|--------------------|---|
| Officers: | Matthew Burton | Licensing Administration Team Manager |
| | Geoff Durham | Mayor's Secretary / Member Support Officer |
| | Anne-Marie Pollard | Solicitor |
| | David Beardmore | Environmental Health Team Manager |
| | Richard Landon | |

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillor John Cooper.

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 26 January, 2021 be agreed as a correct record.

4. **ESTABLISHING A CUMULATIVE IMPACT ASSESSMENT**

Consideration was given to a report asking Members to determine whether the Council should publish a Cumulative Impact Statement.

The Council's Licensing Administration Team Manager, Matthew Burton introduced the report stating that there had been a Cumulative Impact Policy (CIP), covering the town centre, in place since July, 2013. The existing CIP would expire on 5 April, 2021. A consultation had taken place and this was attached at Appendix A to the report.

A map showing the area to be covered by the CIP was attached at Appendix B of the report.

It had been proposed that the assessment was required to replace the current Policy and the document would be 'stand-alone live', which could be amended when required without any amendment being required to the Council's Licensing Policy.

Members' attention was drawn to paragraph 2.6 of the report which outlined the information contained within Appendices B, C and D. Paragraph 2.7 of the report provided information on the five responses received to the consultation with paragraphs 2.8 to 2.12 summarising the responses.

Councillor Hutton asked, if option one was agreed as at paragraph 5.1, could other types of premises be added in at a later date, such as late night take-away's, if it was evidential that there was a problem.

Matthew Burton confirmed that, subject to another consultation, other premises could be added. This was the reason for it being a live document. The submitted format of the Policy had been done to replicate what was currently in place. Previously, under the CIP it could only relate to the sale of alcohol. The Assessment would give a wider scope.

Councillor John Williams asked if the map showing the area could be updated as it still had the former St Giles and St Georges School showing where Castle House now stood. Matthew Burton agreed that this could be done.

Councillor Sweeney supported this stating that anything that can be done to help the police should be done.

- Resolved:**
- (i) That the information provided by Staffordshire Police in support of progressing a Cumulative Impact Assessment that was submitted in advance of the recent consultation, be noted.
 - (ii) That the information received as part of the recent consultation be noted.
 - (iii) That, it be agreed that there is currently an evidential basis to publish a Cumulative Impact Assessment to 'replace' the current Cumulative Impact Policy.

5. MINUTES OF LICENSING SUB COMMITTEE MEETINGS

Resolved: That the Minutes of the meeting held on 19 January, 2021 be received.

6. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

7. VARIATION OF PUBLIC SPACES PROTECTION ORDER IN RESPECT OF DOG CONTROLS

Consideration was given to a report which Members had requested regarding possible variations to the Public Spaces Protection Order in respect of Dog Controls.

The Council's Environmental Health Team Manager, David Beardmore introduced the report stating that Members had concerns about the number of dogs that could be taken into specific locations. Members' attention was drawn to paragraph 2.6 which outlined various locations that had been part of a consultation exercise. Residents were happy for the six-dog control to continue. Members had previously felt that six was a high number.

One in four households in the borough had at least one dog with very few having a considerable number – four percent had 3 dogs and only 280 families had four or more dogs.

Complaints received to the Council (approximately twenty per year) were not about high numbers of dogs but about interactions with somebody with one, maybe two dogs. Quite often the interaction was one dog to one dog.

Members' attention was drawn to paragraph three of the report which outlined the options to be considered. There was no evidence that reducing the number of dogs would reduce the number of complaints received. If Members wished to change the numbers of dogs or the locations this would need to go out to public consultation.

Councillor Hutton stated that some dog societies had felt that four dogs was the maximum that should be under the control of one person and asked David Beardmore if he had any views on whether it should be four or six dogs. David Beardmore stated that there was evidence in the larger urban areas where there was greater footfall, for example in London parks, much smaller numbers had been set but it would not make a lot of difference across the Borough.

Councillor Gill Williams asked if commercial businesses who were allowed to use parks and public spaces, were insured. David Beardmore stated that commercial dog walkers did not need to be licenced by the Council and therefore there was no obligation for them to be insured. However, they may have whatever insurance they felt was appropriate to protect themselves.

Councillor Jill Waring supported the recommendations. As they had been in force for six years with no problems there was no reason why they needed to change. Councillor Sweeney agreed, stating that he had never had this kind of issue brought to his attention by residents. Councillor Northcott also agreed, stating that there had been no specific evidence to suggest that the rule would not apply.

Councillor Gill Williams proposed that the variation be changed from six dogs to a maximum of four dogs to be walked by one person in all Council owned parks and open spaces. Councillor John Williams seconded the proposal, stating that walking towards someone with six dogs could be quite intimidating.

The proposal was voted upon: 6 for and 7 against. Therefore the original recommendation was voted upon: 7 for and 6 against.

- Resolved:**
- (i) That the report be received
 - (ii) That it be agreed that no further changes or variations to the existing PSPO are necessary

8. PUBLIC PROTECTION SUB-COMMITTEE ARRANGEMENTS

Consideration was given to a report seeking approval of the Public Protection Sub-Committee arrangements.

Members' attention was drawn to the table at paragraph 2.4 which set out the rota to 30 March, 2022.

Concerns were raised by Members who were unable to attend the daytime or evening slots scheduled for them. It was suggested that an administrative error in the preparation of the table had swapped Members around and would be revisited and brought back to the next meeting. In the meantime the current rota could be used for the sub-committee meetings.

- Resolved:**
- (i) That the report be received and the date and time that Members' proposed attendance at subcommittee is necessary, be noted.
 - (ii) That, should Members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.

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 20 January, 10 February and 3 March, 2021 be received.

11. URGENT BUSINESS

There was no urgent business.

CLLR SIMON WHITE
Chair

Meeting concluded at 7.55 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 27 July 2021

Report Title: Business and Planning Act 2020 Update

Submitted by: Head of Environmental Health

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform members of updates planned for the Business and Planning Act 2020 which relates to the relaxations in respect of pavement licenses alcohol off-sales, and the temporary increase in Temporary Event Notice limits for 2022 and 2023.

Recommendation

That Members:

- 1. Note the proposed amendments to the Business and Planning Act 2020 and contents of the Regulations.**
- 2. Note that if Regulations are passed then all Pavement Licences be granted to expire on 30th September 2022.**

Reasons

The Business and Planning Act 2020 received Royal Assent on 22nd July 2020 for immediate implementation. In August 2020 the Licensing & Public Protection Committee agreed standard conditions and application criteria for Pavement Licences, and noted the legislative changes that relaxed alcohol sales for consumption off the premises ("off-sales"). Draft regulations were laid on 9th June 2021 to extend these provisions and increase the Temporary Event Notice limits for the years 2022 and 2023.

1. Background

1.1 The new Business and Planning Act 2020, received royal assent on 22nd July 2020 and made significant changes designed to help premises (including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours) to survive and then bounce-back from the pandemic lockdown.

1.2 The provisions included:

- A new "Pavement Licence" regime, to be administered by local authorities, designed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- Alcohol licensing changes that will allow operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries.

1.3 The Act originally included temporary measures (up to 30th September 2021) to support businesses selling food and drink through economic recovery as lockdown restrictions were lifted but social distancing guidelines remained in place.

1.4 The measures in the Act were designed to support businesses selling food and drink such as cafes, pubs and restaurants by introducing a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, for the placement of furniture such as tables, chairs, umbrellas and patio heaters on the pavement outside their premises. This enables them to maximise their capacity whilst adhering to social distancing guidelines.

2. **Issues**

Pavement Licences:

- 2.1 To date the Council have received 23 applications for Pavement licences, issuing 14 and rejecting 9. The main reason for rejecting the applications is that the proposed locations of the outside areas were on private land and not public highway.
- 2.2 The Government have announced that to further support businesses they will be extending the provisions for Pavement Licences to end on 30th September 2022. Draft regulations were laid on 9th June 2021 but have not yet been passed.
- 2.3 If the regulations are passed then any application for a Pavement licence, new or renewal, may be granted with an expiry date of 30th September 2022. Any applications received prior to the passing of the regulations will retain the end date of 30th September 2021.
- 2.4 At the Committee meeting on 4th August 2020 Members agreed that licences would be granted for a period of 12 months, or to the expiry date on 30th September 2021, whichever was soonest.
- 2.5 To support businesses if the regulations are passed then licences run until 30 September 2022. This reduces the burden on businesses having to renew a licence more than once and spreads out applications. There is no formal provision to renew a licence however if there are no amendments to be made the Council are proposing to implement a renewal process where the licence holder confirms nothing has changed rather than ask them to apply anew.
- 2.6 The timescales for consultation and determination of a licence application are tight and will still effect all applications. The applicant must post a notice on the premises on the same day as the application is made. The notice must be in place for a consultation period of 5 working days beginning with the day after the day the application is submitted. The Council must publish the application on its website and allow people to comment during the 5 working days consultation period. The Council must consult with the highway authority and ‘such other persons as the local authority considers appropriate’ e.g. police, residential neighbours. The Council must determine the application within a period of 5 working days beginning with the first day after the consultation period. If the Council does not determine the application within this period, the pavement licence will be deemed as granted.

Off-Sales:

- 2.7 The measures originally included in the Act modified provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It was designed to be a temporary measure to “boost the economy”, with provisions lasting until the end of September 2021.
- 2.8 The measures make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises. This will allow businesses to trade whilst keeping social distancing measures in place inside.

- 2.9 Similarly to Pavement licences, the Government have also announced that to further support businesses they will be extending the provisions that allow 'on-sales' only premises to sell alcohol for consumption off the premises ('off-sales') to end on 30th September 2022. Draft regulations were laid on 9th June 2021 but have not yet been passed.
- 2.10 Nothing else has been amended. There is no requirement for an application to be made. It only applies to premises licence and not club premises certificates, a notice still needs to be displayed at premises benefitting from the relaxation provisions, certain licence conditions remain suspended and it only applies to current licensing hours up to an end time of 23.00 hours.
- 2.11 If there are problems of crime and disorder, public nuisance, public safety or the protection of children arising from how the premises operated using the new permission, any responsible authority, including the police or environmental health, could apply for a new off-sales review. The off-sales review process is modelled on the existing summary review process. In the event that an off-sales review is triggered, it will only relate to off-sales authorised by virtue of these provisions, or conditions which have effect by virtue of these provisions: it cannot be used to revoke the existing licence or modify pre-existing licence conditions.

Temporary Event Notices

- 2.12 The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021, which also cover the 'off-sales' relaxation, seek to amend the provisions in relation to Temporary Events Notices (TENs) limits for the calendar years 2022 and 2023. Currently an individual can submit a maximum of 15 TENs that cover a maximum of 21 days with a calendar year. The regulations propose to extend the limits in 2022 and 2023 so that an individual can submit a maximum of 20 TENs that cover a maximum of 26 days with a calendar year.

3. Proposal

3.1 There are a number of matters which committee need to decide, these are:

3.2 **Note the proposed amendments to the Business and Planning Act 2020 in relation to pavement licences and 'off-sales' of alcohol, and the increase in limits for Temporary Event Notices.**

3.3 **Note that if Regulations are passed then all Pavement Licences be granted to expire on 30th September 2022.**

4. Reasons for Proposed Solution

- 4.1 Government have laid draft regulations to extend the provisions in relation to pavement licences and 'off-sales' of alcohol and the increase in limits for Temporary Event Notices.
- 4.2 The Council needs to continue with a mechanism in place for determining pavement licensing applications.

5. Options Considered

- 5.1 Members could decide not to approve that pavement licence applications received after the regulations come into force can be issued with an expiry date of 30th September 2022. Any application received between the date they come into force and 30th September 2021 would

then have to reapply in October 2021 which would add burden onto the businesses and Council

5.2 Members could decide not to approve a simplified 'renewal' process but this would also add burden onto the businesses and Council

6. **Legal and Statutory Implications**

6.1 The legal and statutory implications are fully addressed in the body of this report.

7. **Equality Impact Assessment**

7.1 There are no issues arising from this report.

8. **Financial and Resource Implications**

8.1 The Council can charge a fee of up to £100 per pavement licence application. In August 2020 the Committee agreed to waive this fee.

9. **Major Risks**

9.1 The risk of not accepting the recommendation is that the Council will have overly burdensome process for dealing with application once the regulations are approved and come into force.

10. **Sustainability and Climate Change Implications**

10.1 There are no issues arising from this report.

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 4th August 2020 – Licensing & Public Protection Committee

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 The Business and Planning Act

14.2 The Business and Planning Act Guidance for Pavement Licences

14.3 Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021

14.4 Business and Planning Act 2020 (Coronavirus) (Amendment) Regulations 2021

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 27 July 2021

Report Title: Gambling Act 2005 – Review of Statement of Licensing Principles (Gambling Policy)

Submitted by: Head of Environmental Health/Licensing Administration Team Manager

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To discuss and agree upon the consultation process for the Council's Gambling Policy.

Recommendation

That Members

1. Receive the report
2. Approve the draft Gambling Policy for Newcastle-under-Lyme
3. Approve the commencement of the 6 week consultation.
4. That any responses received to the consultation be considered by the Committee at the meeting to be held on 2nd November 2021 and that recommendations of this Committee to be included in the final report to Full Council
5. That the updated Policy be presented for approval to Full Council at its meeting on 17th November 2021.

Reasons

Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy every 3 years

1. **Background**

1.1 Section 2 of the Gambling Act provides that the following are licensing authorities in England:

- (i) a District Council,
- (ii) a County Council for a County in which there are no District Councils,
- (iii) a London Borough Council,
- (iv) the Common Council of the City of London,
- (v) the Council of the Isles of Scilly.

1.2 Under section 349 of the Gambling Act 2005 the Council has a statutory duty to review its Gambling statement set out in the Gambling Policy every 3 years. It must be published by the 3rd January and in force by 31st January to ensure there is a 28 day period between publication and implementation. A copy of the proposed Policy for consultation is attached as **Appendix A**.

1.3 The Council last published its Gambling Policy in January 2019 and it remains in place until January 2022.

1.4 Section 154 of the Act provides that certain decisions are delegated to the licensing committee of the authority that has been established under section 6 of the Licensing Act 2003, except:

- A resolution not to issue casino licences, which must be taken by the whole authority. The Council have made a resolution that there will be no casinos in the authority area;
- Functions in relation to the Licensing Authority Statement of Policy, which must be taken by the whole authority. Once this policy is approved by the Licensing Committee it must be agreed by Full Council;
- Setting fees (to the extent that a licensing authority has delegated power in relation to fees) is the responsibility of the full council – the full council can delegate decisions to the licensing committee, but there is no automatic delegation, so each authority must decide its approach to setting fees.

1.5 Decisions that are delegated to a licensing committee may be further delegated to a subcommittee of the licensing committee, which may arrange for them to be taken by an officer of the authority.

However, the following decisions may not be made by an officer (ie they must be made by either the sub-committee or the licensing committee):

- Determination of an application for a premises licence where representations have been made and not withdrawn
- Determination of an application for variation of a premises licence where representations have been made and not withdrawn
- Determination of an application for transfer, following representations by the Commission
- Determination of an application for a provisional statement where representations have been made and not withdrawn
- Review of a premises licence.

1.6 Licensing authorities in England and Wales also have responsibilities under the Licensing Act 2003. There are some inter dependencies between the Licensing Act 2003 and the Gambling Act 2005 in terms of the framework for decision making and the procedures that must be followed. But licensing authorities must take care to ensure that in dealing with applications under the Gambling Act they follow the procedures that this Act requires and only take into account issues that are relevant to this Act. Particular care should be taken to distinguish Gambling Act considerations from those relevant to alcohol licensing, public entertainment or late night refreshment.

2. **Issues**

2.1 It is suggested that the updated draft policy be sent out for Consultation following the timetable detailed in section 5.2.

2.2 A number of minor amendments have been made to the Policy implemented in 2019. The main amendments are summarised below:

- The contents page has been reformatted to be displayed as a table;
- Website links have been updated;
- Dates have been updated;
- Wording a typographical matters have been amended.

2.3 The legislation specifies certain groups and organisations that must be consulted regarding the revised policy under Section 349 (3) of the Gambling Act 2005:

- The Chief Officer of Police for the authority's area

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act

2.4 The legislation is however deliberately wide to enable Licensing Authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Licensing Authority Statement of Gambling Policy.

2.5 Licensing Authorities may wish to consider the following:

- Consultation with a range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trust and advocacy agencies such as the Citizen's Advice Bureau and trade unions.
- Consultation with other tiers of local government where they exist.
- Consultation with businesses that are, or will be, holders of a premises licence
- Consultation with the organisations names as responsible authorities in the Act.

2.6 It is intended to advertise the consultation on the Council's website, at Castle House and at Kidsgrove Town Hall, by writing to all elected members, Parish and Town Councils, and to the Consultees detailed in the list at page 3 of Appendix A. All current premises licence holders will also be sent a copy of the correspondence.

2.7 A list of groups and individuals can be consulted. Any further suggestions for potential Consultees are welcomed.

3. **Proposal**

3.1. That Members

1. Receive the report
2. Approve the draft Gambling Policy for Newcastle-under-Lyme
3. Approve the commencement of the 6 week consultation.
4. That any responses received to the consultation be considered by the Committee at the meeting to be held on 2nd November 2021 and that recommendations of this Committee to be included in the final report to Full Council
5. That the updated Policy be presented for approval to Full Council at its meeting on 17th November 2021.

4. **Reasons for Proposed Solution**

4.1. The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005.

5. **Options Considered**

5.1 The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005. It is requested that Members agree that the Policy detailed in Appendix A may be sent for consultation and brought back for consideration in line with the table below:

5.2 Timetable

| | |
|--|---|
| 27 th July 2021 | Initial discussions at Licensing Committee. Approval is given to send the draft policy for consultation |
| 6 th August 2021 | Gambling Policy sent out for 6 week consultation (ends 12 th September 2021) |
| 2 nd November 2021 | Meeting of Licensing Committee to discuss responses to the consultation and amend Policy as required. Approval is given to send to Full Council for agreement |
| 17 th November 2021 | Proposed Policy to be considered by Full Council |
| December 2021 (or in any case before 3 rd January 2022) | Publish the Policy |
| January 2022 (before 31 st) | Implement the new Policy |

6. Legal and Statutory Implications

6.1 The Council have a statutory duty consult on, publish and implement a Gambling Policy every 3 years as required by the Gambling Act 2005.

7. Equality Impact Assessment

7.1 N/A

8. Financial and Resource Implications

8.1 There are resource implications to carry out the consultation process and publish the document approved. This will be met by existing team capacity. There are minimal financial implications to consulting and publishing a Gambling Policy within the required timescales. Should a Policy not be published then the Council may be open to enforcement action and/or claims in relation to any actions taken.

9. Major Risks

9.1 Should the Committee not publish a Statement of Licensing Principles (Gambling Policy) within the required timescales then the Council will not meet its statutory requirement under the Gambling Act 2005. There is a risk that the Authority will be unable to rely upon the Gambling Policy for any application received and/or action it may wish to take against a licence holder, and the Gambling Commission may take action against the Authority.

10. UN Sustainable Development Goals (UNSDG)

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 No Casino Resolution in 2007.

12.2 To implement a Gambling Policy in 2019, 2016, 2013, 2010, 2007

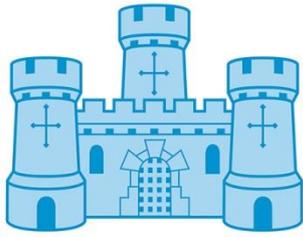
13. **List of Appendices**

13.1 Appendix A – Draft Gambling Policy 2022-2025

14. **Background Papers**

14.1 Council Gambling Policy 2019-2021

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NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Gambling Act 2005

Statement of Licensing Principles 2022-2025

Published on XXXXXXXX

Implementation date: XXXXXXXX (should be 31st January
2022)

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PART A – THE GAMBLING ACT 2005

1. Introduction

1.1 Under the Gambling Act 2005 (the Act), the Borough Council of Newcastle-under-Lyme is the licensing authority for Newcastle-under-Lyme and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the Council are to the Borough Council of Newcastle-under-Lyme Licensing Authority

1.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published every three years. The statement can also be reviewed from time to time and any amendments must be consulted upon. The statement must then be re-published

1.3 The Council consulted widely upon this Policy Statement before finalising and publishing it. A list of the consultees is given below:

- Staffordshire Police
- Staffordshire County Council
- Neighbouring Local Authorities
- Representatives of local businesses
- Local residents and their representatives
- Town and Parish Councils in the Borough
- Local Members of Parliament
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing licence holders
- Newcastle Partnership
- Department of Regeneration and Planning Services, Newcastle Borough Council
- Staffordshire County Council Trading Standards
- Aspire Housing
- Members of the Public (via the website and public notices)

Should you have any comments as regards this policy please send them via e-mail or letter to the following contact:

Licensing Department
Environmental Health
Castle House
Barracks Road
Newcastle-under-Lyme
ST5 1BL
or via email: licensing@newcastle-staffs.gov.uk
tel: 01782 717717

1.4 The consultation took place between 7th August 2018 and 12th October 2018 and followed the Government's Consultation Principles updated in March 2018. This document is available from the www.gov.uk website at <https://www.gov.uk/government/publications/consultation-principles-guidance>

1.5 A copy of the consultation report containing a summary of the comments received and the consideration by the Council of those comments is available on request

1.6 The original Policy was approved at a meeting of the Full Council on 20th December 2006 (resolution 563/06) and the most recent Policy was approved by Full Council on XXXXXXXX

2. The Licensing Objectives

2.1 The Council will carry out its functions under the Act with a regard to the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 More information can be found about how the Council will promote the licensing objectives in Parts B and C of this document

2.3 The Council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any Codes of Practice issued by the national gambling regulator, the Gambling Commission

2.4 The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling insofar as it thinks it is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Council's Statement of Gambling Policy.

3. The Licensing Framework

3.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with Central Government and local authorities to regulate gambling activity

3.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite personal licence and operator's licence before they can approach the Council for a premises licence. In this way, the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any Codes of Practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and/or ad hoc gambling in other locations such as pubs, clubs and hotels

3.3 The Council does not licence large society lotteries, remote gambling through websites or the National Lottery. These areas fall to the Gambling Commission.

4. Local Risk Assessments

4.1 The [Gambling Commission's Licence Conditions and Code of Practice](#) (LCCP) which were revised and published in February 2015 formalised the need for Operators to consider local risks. The LCCP was most recently revised in October 2020

4.2 The Social Responsibility (SR) code requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

4.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take account of significant changes in local circumstances, including those identified in this policy statement
- Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

4.4 The Council requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise. It must also be kept at each premises that holds a licence with the authority and produced to officers upon request.

4.5 The risk assessment should set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.

4.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

4.7 An example of a risk assessment is attached at Appendix 1.

4.8 The Council will expect the local risk assessment to include the below considerations as a minimum:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- The demographics of the area in relation to vulnerable groups;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- How vulnerable people, including those with gambling dependencies are protected;
- Any information held regarding self-exclusions and incidences of underage gambling;
- Gaming trends that reflect pay day or benefit payments;
- Known problems in the area such as problems arising from street drinkers, individuals involved in areas such as ASB, drug dealing etc
- Areas or premises where children are known to congregate including bus stops, cafes etc;

- Areas or premises that may be frequented by vulnerable adults such as hospitals, residential care homes, medical facilities, addiction clinics, places where alcohol or drug dependant individuals may congregate.

5. Local area profile

5.1 A Licensing Authority may complete an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile; however benefits for both the Licensing Authority and Operators include having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only. Any Local Area Profile document will be available on the Council's website alongside this Statement of Principles.

5.2 The Borough is the second largest district in Staffordshire and has a population of 129,441. The majority of the population live in the urban centres of Newcastle-under-Lyme and Kidsgrove which are located in close proximity to the City of Stoke-on-Trent and form part of the North Staffordshire Conurbation. The areas around the urban centre to the north, south and west are mainly rural comprising mostly Green Belt and Areas of Special Landscape where new development is restricted and population density is low. A map of the Borough can be found at Appendix 2.

6. Declaration

6.1 This Policy Statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005

6.2 In producing the final Statement of Gambling Policy, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy Statement.

7. Responsible Authorities

7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants

7.2 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

7.3 In accordance with the regulations, the Council designates the Staffordshire Safeguarding Children Board for this purpose

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found on the Council's website at www.newcastle-staffs.gov.uk and are listed below:

- The Licensing Authority itself
- The Gambling Commission;
- The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
- The fire and rescue authority for the same area
- The local planning authority;
- An authority with functions in relation to pollution of the environment or harm to human health
- A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State.

The Act also provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

8. Interested Parties

8.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as set out below.

8.2 For the purposes of this part, a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraphs (a) or (b).

8.3 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Local Authorities. Within this framework, the Council will accept representations made on behalf of residents and tenants' associations
- In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

9. Exchange of Information

9.1 Licensing authorities are required to include in their Policy Statement the principles to be applied by the Authority with regard to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act

9.2 The principle that the Council applies is that it will act in accordance with the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection legislation will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10. Data Protection

10.1 When an individual or an organisation provides information to the Council, it is held in accordance with the Data Protection legislation. Data provided to the Council is used for processing applications, recording licence holders and for regulatory and enforcement purposes.

10.2 The Council may share data with other departments and partners of the Council and other agencies where required by the licensing/registration procedure and for regulation /enforcement but data will not otherwise be passed on to any other party.

10.3 While certain information may be disclosed under the Freedom of Information Act, some information will be held on a publicly available register, and may be posted onto the Council website; personal data will be protected unless it is also official business data (eg. a trader whose registered business address is also his home).

10.4 The Council has a duty to protect the public funds it administers and to this end, may use the information provided for the prevention and detection of fraud. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, eg. National Fraud Initiative.

10.5 The Council holds and uses data in accordance with Data Protection legislation. Stakeholders should be aware that information provided may be used and shared with other departments and agencies in order to assist in the prevention and detection of crime and to protect public funds.

11. Licensing Authority Functions

11.1 Licensing authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing premises licences;
- Issuing provisional statements;
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issuing Club Machine Permits to commercial clubs;
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;

- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines;
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where more than two machines are required;
- Registering small society lotteries below prescribed thresholds;
- Issuing Prize Gaming Permits;
- Receiving and endorsing Temporary Use Notices;
- Receiving Occasional Use Notices (for tracks);
- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange);
- Maintaining registers of the permits and licences that are issued under these functions.

11.2 The Council are not involved in licensing remote gambling. This falls to the Gambling Commission via operators' licences.

12. Definition of Children and Young Persons

12.1 In this policy "child" means an individual who is less than 16 years old. In this policy "young person" means an individual who is not a child but who is less than 18 years old.

PART B –THE LICENSING OBJECTIVES

13. Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

13.1 The Gambling Commission will take a lead role in keeping gambling crime-free by vetting all applicants for personal and operators' licences. The Council's main role is to try and promote this area with regard to actual premises. So, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision

13.2 There is a distinction between disorder and nuisance. In order to make the distinction when incidents of this nature occur, the Council will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who could see it

13.3 Issues of nuisance cannot be addressed by the Gambling Act provisions. However, problems of this nature can be addressed through other legislation as appropriate.

13.4 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

14. Ensuring that Gambling is conducted in a fair and open way

14.1 The Council is aware that the Gambling Commission does not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

14.2 The Council will however familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

14.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document, and also in Part D which covers permits and notices.

15. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

15.1 This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

15.2 Regarding the term 'vulnerable persons', the Council is not seeking to offer a definition but will, for regulatory purposes, assume that this group includes people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs. The Council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

15.3 The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective in relation to specific premises

15.4 The Council will promote this objective by publishing information on the Council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These web pages will be prepared in conjunction with these support agencies

15.5 The Council will also familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The Council will communicate any concerns to the Gambling Commission about any absence of this required information

15.6 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

PART C – PREMISES LICENCES

16. Introduction to Premises Licensing

16.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example, premises licences will be issued to amusement arcades, bingo halls and betting shops.

16.2 Premises licences will be subject to the provisions set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

Definition of 'Premises'

16.3 Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances

16.4 The Council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other non-gambling purposes. In particular, the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area

16.5 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access; compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act

16.6 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to 'the premises' are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the Council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights

16.7 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement

Location

16.8 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder

16.9 With regard to these objectives, it is the Council's policy, upon receipt of any relevant representations, to look at specific location issues including:

- The proximity of the premises to schools and vulnerable adult centres

- The proximity of the premises to residential areas where there may be a high concentration of families with children
- The size of the premises and the nature of the activities taking place
- Any levels of organised crime in the area.

Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application

16.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Duplication with other regulatory regimes

16.11 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of it. It will listen to and consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Conditions

16.12 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based
- Fairly and reasonably related to the scale and type of premises and
- Reasonable in all other respects

16.13 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider using, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The Council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

16.14 There are conditions which the Council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers or method of operation
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- Conditions in relation to stakes, fees, winnings or prizes.

Door supervision

16.15 The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It should be noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to

be licensed by the Security Industry Authority. Where door supervisors are required at these premises, it is the operator's responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties. Normally door supervisors will only be required in betting offices if there is clear evidence from the history of trading that it is necessary and proportionate. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and also to ensure that staff members have attended Security Industry recognised training

17. Adult Gaming Centres (AGCs) and Licensed Family Entertainment Centres (LFECs)

17.1 Adult Gaming Centres (AGCs) are a category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades, seen in many city centres. Licensed Family Entertainment Centres (LFECs) are those premises which usually provide a range of amusements such as computer games and penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

17.2 Under the Act a premises holding an adult gaming centre licence will be able to make certain numbers of category B, C and D gaming machines available and no-one under 18 will be permitted to enter such premises. LFECs will be able to make available a certain number of category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

17.3 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in the above premises. The Council will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises or in the case of LFECs to the adult only gaming machine areas

17.4 The Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes (e.g. PASS schemes)
- The use of Challenge 25 policy
- The use of 'No ID No Entry' policy
- To train staff in the law and challenge people as to their age
- CCTV
- Door supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The appointment of a single senior named point of contact to assist in compliance.

This list is not mandatory nor exhaustive and is merely indicative of examples

17.5 The Council will refer to the Gambling Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences when they have been published.

18. Casinos

18.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players

Casino Resolution

18.2 Each local authority is required to publish information in its Statement of Gambling Policy about how the Authority has taken or will take a decision to pass (or not to pass) a casino resolution. A casino resolution is a judgment made by a local authority about whether it will allow any small, large or the regional casino to be located in its authority area. The Council has passed a resolution that there will be no casinos in the Newcastle-under-Lyme town centre.

19. Bingo Premises

19.1 There is no official definition for bingo in the Gambling Act 2005. However, from a licensing point of view there will be a new category of premises licence specifically for bingo premises which will be used by traditional commercial bingo halls for both cash and prize bingo. In addition, they will also be able to provide a limited number of gaming machines in line with the provisions of the Act.

19.2 The Council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where the machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

20. Betting Premises

20.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises. However, within this single class there are different types of premises which require licensing such as normal high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require

20.2 **Betting machines** – the Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for

person to person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

20.3 Tracks

20.4 Tracks are sites where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the 'totaliser' or 'tote'), and also general betting, often known as 'fixed odds' betting. Multiple betting outlets are usually located on tracks such as 'on course' betting operators who come on to the track just on race days to provide betting for the races taking place on that track. There can also be 'off course' betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track. All tracks will require an overriding 'general betting premises licence' that the track operator will hold

20.5 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council is also aware that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track who will need to hold their own operator licences. The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter

20.6 Children and young persons will be permitted to enter track areas where facilities for betting are provided on days when racing takes place, although they are still prevented from entering areas where gaming machines (other than Category D machines) are provided

20.7 The Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes (e.g. PASS schemes)
- The use of Challenge 25 policy
- The use of 'No ID No Entry' policy
- To train staff in the law and challenge people as to their age
- CCTV
- Door supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The appointment of a single senior named point of contact to assist in compliance.

This list is not mandatory nor exhaustive and is merely indicative of examples.

20.8 **Betting machines at a track** – the Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to

bet) or by vulnerable people. The Council will also consider the special implications that may arise at a track due to the size of the premises and the possibility that machines may be scattered around the site making it more difficult for the track operator to comply with the law and prevent children from betting on the machines

20.9 The Council agrees with the Commission's view that it is preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This ensures that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises

20.10 **Condition on rules being displayed** – the Council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The Council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race card or made available in leaflet form from the track office.

21. Travelling Fairs

21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act

21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1)

21.3 The Council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair

21.4 The Council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

22. Provisional Statements

22.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required

22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or

b) which in the Authority's opinion reflect a change in the operator's circumstances

22.3 When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

PART D – PERMITS, TEMPORARY/OCCASIONAL USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATIONS

23. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits)

23.1 The term 'Unlicensed Family Entertainment Centre' (uFEC) is one defined in the Act and refers to premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'Licensed Family Entertainment Centre' which does require a premises licence because it contains both category C and D gaming machines

23.2 The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, paragraph 7 of the Act states: "In preparing this Statement and/or considering applications, it [the Council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25"

23.3 In accordance with Gambling Commission guidance, the Council will give weight to child protection issues when considering applications for permits

23.4 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The Council will assess these policies and procedures on their merits. However, they may include appropriate measures/training for staff regarding suspected truant schoolchildren on the premises, measures/training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act), and that staff are trained to have a full understanding of the maximum stakes and prizes

23.5 The Council is aware that an application for a permit may only be granted if the Chief Officer of Police has been consulted on the application

23.6 In line with the Act the Council cannot attach conditions to this type of permit and the statement of principles only applies to initial applications and not to renewals.

24. Gaming Machine Permits in premises licensed for the sale of alcohol

24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant Code of Practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and 'such matters as it thinks relevant'. The Council considers that 'such matters' will be decided on a case by case basis, but generally regard will be had to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will also expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines

24.3 Measures which may satisfy the Council that there will be no access could include the adult machines being situated in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

24.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act

24.5 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines from that applied for. Conditions (other than these) cannot be attached

24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine

25. Prize Gaming Permits – Statement of Principles on Permits

25.1 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in regulations;
- That the gaming offered is within the law.

25.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance

25.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Council cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with

- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated, and the result of the game must be made public in the premises on the day that it is played
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

26. Club Gaming and Club Machines Permits

26.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D)

26.2 To qualify for these special club permits, a members' club must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include workingmen's clubs, branches of the Royal British Legion and clubs with political affiliations

26.3 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age

26.4 The Council may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the Police.

27. Temporary Use Notices

27.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues

27.2 The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be reviewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises' will be a

question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Council will look at, amongst other things, the ownership/occupation and control of the premises. The Council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

28. Occasional Use Notices (for Tracks)

28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice

28.2 The Council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

29. Small Society Lottery Registrations

29.1 The Act creates two principal classes of lotteries - licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub classes, one of which is small society lotteries

29.2 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These may be administered by the Council for small societies who have a principal office in the area and wish to run such a lottery

29.3 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less

29.4 To be 'non-commercial', a society must be established and conducted:

- For charitable purposes
- For the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

29.5 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'

PART E – ENFORCEMENT

30. Enforcement Principles

30.1 The Council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following Government guidance around better regulation

30.2 In carrying out its enforcement duties with regard to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will try to be:

Proportionate:

Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised

Accountable:

Regulators must be able to justify decisions, and be subject to public scrutiny

Consistent:

Rules and standards must be joined up and implemented fairly

Transparent:

Regulators should be open and keep regulations simple and user friendly

Targeted:

Regulation should be focused on the problem and minimise side effects

30.3 The Council will endeavour to avoid duplication with other regulatory regimes as far as possible

30.4 The Council has adopted a risk-based inspection programme for Gambling premises

30.5 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will notify the Gambling Commission

30.6 The Council's enforcement policy is available at: <https://www.newcastle-staffs.gov.uk/all-services/your-council/policies-and-strategies-z/corporate-enforcement-policy>

31. Reviews

31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked or suspended or that conditions may be amended or new conditions added

31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives; and
- In accordance with this Authority's Statement of Gambling Policy.

In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will not cause the Authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review

31.3 The Council can also initiate a review of a licence on the basis of any reason which it thinks appropriate.

APPENDIX 1 - Licensing Authority's Guidance to Operators with Regards to Local Area Risk Assessments - SAMPLE

| | |
|--|---|
| Premises Name: | Premises Licence Number (If Applicable): |
| Premises Address: | |
| Post Code: | |
| Category of gambling premises licence: | |
| Name of person completing the assessment: | |
| Date original assessment carried out: | |

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Complete **a) - c)** with areas that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises having regard to Local Area, Gambling Operation and premises design.

a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

b) Ensuring that gambling is conducted in a fair and open way

c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

d) Control measures (based on the information above for a) – c), state the control measures you will put in place, e.g. systems, design and physical)

Describe the steps you intend to take to promote the three licensing objectives:

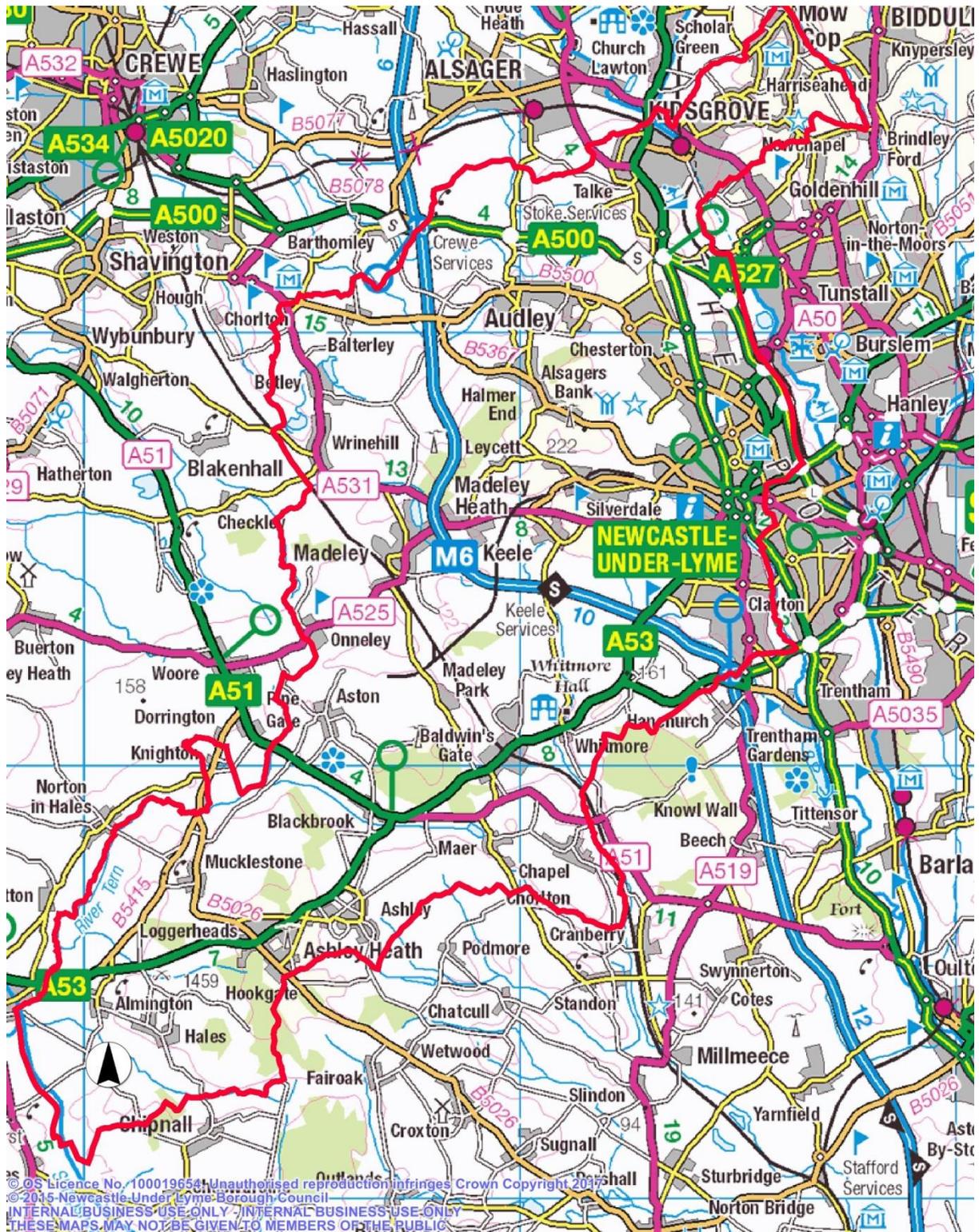
ACTIONS FOLLOWING ASSESSMENT

| AREA e.g. local area, gambling operation, premises design | PERSON/DEPT TASKED | DATE TASKED | DATE TASK COMPLETED |
|---|--------------------|-------------|---------------------|
| | | | |
| | | | |
| | | | |
| | | | |

| | |
|--------------------|--------------|
| Signed: | Date: |
| PRINT NAME: | |

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41-6.46: <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

APPENDIX 2 MAP OF NEWCASTLE-UNDER-LYME BOROUGH



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 27 July 2021

Report Title: Food Safety Service Plan 2021/22
Submitted by: Head of Environmental Health Services
Portfolios: Environment & Recycling
Ward(s) affected: All

Purpose of the Report

An information report to make the committee aware of the work planned by the Food and Safety Team in 2021/22 along with a review of last year's performance.

Recommendation

That the committee receive and endorse the Food Safety Service Plan for 2021/22.

Reasons

To make the Public Protection committee aware of the work carried out by the Food and Safety Team, in accordance with the Food Standards Agency framework agreement and statutory Code of Practice on official food controls by local authorities.

1. **Background**

1.1 The Borough Council has a statutory duty to provide a Food Safety service that:

- Maintains a register of all food businesses operating within the Borough;
- Implements a risk based programme of inspections and interventions;
- Provides advice to local businesses about how they can comply with legal requirements;
- Investigates complaints about contaminated food, unhygienic premises and food poisoning outbreaks; and
- In the most serious cases takes enforcement action to protect public health.

2. **Issues**

2.1 The Food Standards Agency requires local authorities to produce a specific service plan for their Food Safety service using a specified format that can be reported to its' elected members.

2.2 Attached to this report in Appendix A is a Food Safety Service Plan for 2021/22 which outlines the work planned for the coming year as well as a review of last year's performance.

3. **Proposal**

3.1 It is proposed that the committee note and endorse the content of the Service Plan.

4. **Reasons for Proposed Solution**

4.1 The Service Plan is for the information of the Public Protection Committee

5. **Options Considered**

5.1 No other options are considered, the provision of this plan is a requirement of the Food Standards Agency under their framework agreement with local authorities.

6. **Legal and Statutory Implications**

6.1 The Council have a statutory duty to provide a Food Safety service and comply with the requirements of the Food Standards Agency.

7. **Equality Impact Assessment**

7.1 There are no equality implications for this report.

8. **Financial and Resource Implications**

8.1 None, the Service Plan will be implemented within existing budgets.

9. **Major Risks**

9.1 There are no major risks with this report.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 The report supports :



11. **Key Decision Information**

11.1 There are no key decisions, expenditure it is implemented within existing budgets.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 Attached to this report in Appendix A is a Food Safety Service Plan for 2021/22

14. **Background Papers**

14.1 No Background papers

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FOOD SAFETY

SERVICE PLAN 2021/22

This document has been developed in accordance with guidance issued by the Food Standards Agency.

Introduction

The Council has a statutory duty to carry out Official Food Controls and enforce food hygiene regulations within the Borough. This ensures that all food sold within the Borough is safe and fit for human consumption. However the COVID-19 pandemic lockdown has caused a rethink in our approach and in July 2020 we started out on a graduated return, attempting to achieve a recovery once the COVID-19 lockdown was lifted and the Borough began to function again.

This plan details the way in which Newcastle's Food and Health and Safety Team performed in the extraordinary Covid environment of 2020/21, and how a modified service was delivered.

Whilst highlighting achievements the plan also sets the standard for how the service will be delivered over the next financial year subject to Covid 19 controls. The service will strive to continue providing a quality, customer focussed service in line with the Corporate priorities.

Nesta Barker
Head of Environmental Health Services

July 2021

Section 1 - Service Aims and Objectives

1.1 Service Aim

The Council recognises that its food safety regulatory function plays an important role in maintaining and improving public health within the district. It is committed to ensuring that all food sold within the borough is safe and without risk to health, to this end we are prioritising our work to ensure that the borough businesses operate and remain safe for their customers. Officers from the Food Team have been present in the Borough throughout the various Covid 19 lockdowns to support business, ensure compliance and promote confidence.

Service Objectives

Food Safety Enforcement

The Food & Safety Team has enforcement responsibilities in a wide number of areas affecting the public and businesses within the Borough. These include:

- Ensuring that food and drink intended for sale for human consumption is produced, manufactured, stored, distributed, and handled safely and in hygienic conditions.
- Ensuring that residents are provided with a supply of wholesome and potable water
- Investigating complaints about food and food premises.
- Responding to notifications of food alerts.
- Control and prevention of spread of infectious disease and food poisoning. Assisting with the follow up investigations for track and trace COVID-19 cases.
- Ensuring COVID-19 Compliance in all open business premises with a public interface either pro-actively or by reacting to intelligence.

1.2 Links to corporate objectives and plans

The Borough's Council Plan 2018-2022 sets out the overall vision and priorities for the Council. These are then incorporated into specific service and financial plans.

Within this plan the Councils' four priorities are:-

- ◆ **Local Services that work for Local People**
- ◆ **Growing our People and Places**
- ◆ **A Healthy, Active and Safe Borough**
- ◆ **A Town Centre for All**

The work of the Food and Safety team can be linked to all of these priorities; however, it is perhaps more closely associated with

- ◆ **Local Services that work for Local People**
- ◆ **A healthy, Active and Safe Borough**

The team report on the following key performance indicator each quarter to the Council's Cabinet:

Outcome 1.1 Ensure high standards of safety and public health

1.1 The percentage of food establishments which are broadly compliant with food hygiene law

Other priorities for the inspection of food premises and workplaces are prescribed in guidance issued by the Food Standards Agency. (The Food Standards Agency are yet to issue further guidance on how they expect Local Authorities to undertake food premises interventions moving forward. When this is known, it will form part of the priorities)

2 - Background

2.1 Profile of Newcastle – under – Lyme Borough Council

Newcastle-under-Lyme borough council is a local government district with borough status in Staffordshire, England. It is named after its main settlement, Newcastle-under-Lyme, where the council is based, but includes the town of Kidsgrove, the villages of Silverdale and Keele, and the rural area surrounding Audley. The Borough of Newcastle-under-Lyme forms part of the conurbation of North Staffordshire and covers some 81 square miles with a population of around 129,000.

The traditional industrial base of mining and pottery manufacture has changed significantly over the last century. The closure of local mines, and factories has seen the growth of hi tech and research industries within the area. The Borough has areas of considerable affluence, but also includes two wards that fall into the 10% most deprived in the country

Newcastle is an ancient market town and still maintains a vibrant market culture. Stallholders set up on a part of the town locally known as The 'Stones' and this area is used on an almost daily basis for events ranging from the regular market to specialist events such as Farmers and European markets and antique fairs. Due to the Boroughs central geographical location and the proximity to the M6 motorway, recent years have seen a significant increase in the numbers of distribution depots in the area. A large bakery supplying retailers nationally is based here, as is a large meat products manufacturer. The Borough also has the prestigious Keele University, medical school and conference facilities located within its' boundaries.

2.2 Organisational Structure

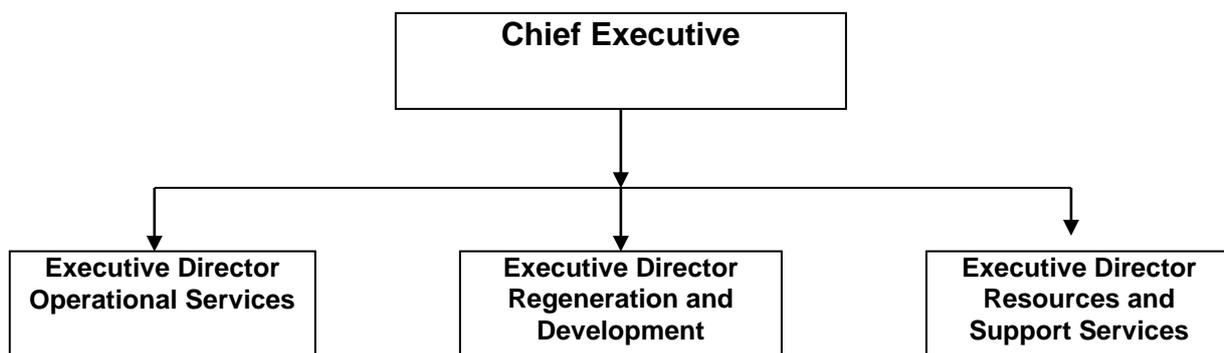
The Council is made up of 44 locally elected representatives, otherwise known as councillors or elected members.

The Council has a Leader who is elected by the members of the Council and is nominated by the largest group on the Council. The Council also has a Mayor, who presides over the Council meeting. The Mayor is a councillor who is appointed by all councillors to serve for one year as Chairman of the Council. The Council operates a Cabinet System consisting of a Leader and a small Cabinet. Members of the Cabinet oversee the 'portfolios' or groups of services.

There are a number of other Council committees who have important roles to play in a variety of areas including Planning, Licensing, Scrutiny, Standards and Public Protection. Please refer to the Council's website for further details at: <https://www.newcastle-staffs.gov.uk/>

Executive Management

The Council's senior officer management structure comprises of the Executive Management Team:



Classification: NULBC **UNCLASSIFIED**

The Food and Safety Team are in the Environmental Health Service area, within the Directorate of Operational Services.

Food and Safety Team

The Food and Safety team operate within the Environmental Health Service together with the Environmental Protection, Environmental Services and Licensing Administration teams.

The Food and Safety Service structure consists of:

The Head of Environmental Health Services (Reporting to the Executive Director Operational Services)

Environmental Health Team Manager – Food and Safety

2 Environmental Health Officers

2 Technical Assistant

1 Food and Safety Assistant

The use of outside contractors will only be considered in the future if the following criteria are met:

- A backlog of inspections which cannot be completed by Officers;
- Agency contractors meeting the requirements of the Food Safety Act Code of Practice Qualifications and Experience of Authorised Officers; and
- The cost of the work being met within existing budgets.
- There is an excessive backlog of food safety inspections for 2021-2022, due to the various lockdowns, and the team have used an outside contractor in recovering the priority cases and then engaging with businesses in respect of Food Safety and Health & Safety as well as ensuring COVID-19 Compliance.

Expert assistance is provided by the following outside organisations: -

- Food Examiner and Microbiology Department, Public Health England, London
- Consultant in Communicable Disease Control, Public Health England,

Classification: NULBC **UNCLASSIFIED**

2.3 Scope of the Food and Safety Service

The food and safety team are responsible for enforcing food hygiene law within the borough. Issues relating to food standards and feed are dealt with by our colleagues in Staffordshire County Council's Trading Standards Department.

The Food and Safety team is responsible for the delivery of a number of regulatory services including:

- Food Safety and Hygiene
- Occupational health and safety (in premises where enforcement responsibility is allocated to the Local Authority)
- ensuring that COVID-19 guidance and legislation is being followed to confirm that Borough council businesses are COVID-19 secure
- Prevention and control of infectious diseases, assisting with "track & trace" follow-up of COVID-19 cases.
- Public health licensing – tattooing, piercing etc.

The service is provided in order to ensure that the Council meets its' legal obligations specified in primary legislation. The team uses a range of interventions to deliver the service which can be divided into two main areas:

- **Inspection/Audit:** Inspection of food businesses at a minimum frequency laid out in the Food Law Code of Practice.
- **Demand:** Investigation of complaints regarding food and food premises, accidents and notifications of food poisoning.

The following functions are provided by the service:

- Maintenance of a food premises registration database for all food businesses located within the borough;
- Provision of advice to local businesses to assist them in complying with their legal responsibilities and to promote good practice.
- Inspections and audits of food businesses to ensure they comply with food safety legislation.
- Approval of food manufacturers handling products of animal origin.
- Sampling and analysis of food and water to check their compliance with safety requirements.
- Investigation of complaints about illegal/unfit food and unlawful food businesses;
- Investigation of food poisoning outbreaks;
- Investigation of national Food Alerts (issued by the Food Standards Agency).
- Health and safety inspections where we are the enforcing authority.
- Investigation of complaints about occupational health and safety.
- Investigation of accidents, dangerous occurrences, and occupational diseases.
- Inspection of establishments carrying out tattooing, ear piercing and electrolysis and other beauty services.
- In the most serious cases, formal enforcement action is taken to protect public health including the seizure of food, service of notices, and closure of premises and prosecution of offenders.
- Consultation with external agencies and internal services i.e. licensing, trading standards, planning;
- ensuring that COVID-19 guidance and legislation is being followed to confirm that Borough council businesses are COVID-19 secure
- Enforcement of Smoke-Free legislation

Service Delivery Points

The team are based with their Environmental Health colleagues at the Central Depot, Knutton Lane, Newcastle-under-Lyme and the service operates between 9.00 a.m. - 5.00 p.m. **Monday – Friday.**

Newcastle Borough has two dedicated Customer Service Centres, located in Castle House, Newcastle Monday - Friday 9am to 4:30pm and the Town Hall, Kidsgrove is open Monday - Friday 9am to 5pm with lunch between 1pm till 2pm.

The out of hours Emergency Call Centre service has been outsourced and is operated by Redditch and Bromsgrove Council. The Environmental Health Service operates an emergency stand-by rota so there is always a manager available to respond to the contact centre in the event of any emergencies or incidents.

2.4 Demands on the Food Service

In 2019/20 there were 1053 registered food businesses in the Borough with 1181 in 2020/21. These businesses were given a risk rating band between category A and E as shown in the table below.

| Food Premises Risk Band | 2020/21 | 2019/20 | 2018/19 | 2017/18 | 2016/17 |
|-------------------------|---------|---------|---------|---------|---------|
| A | 0 | 1 | 1 | 0 | 0 |
| B | 13 | 31 | 37 | 39 | 41 |
| C | 152 | 124 | 169 | 199 | 222 |
| D | 369 | 202 | 365 | 331 | 336 |
| E | 565 | 674 | 527 | 492 | 445 |
| UNRATED | 81 | 20 | 19 | 34 | 33 |
| OUTSIDE | 1 | 1 | 1 | 1 | 2 |
| TOTAL REGISTERED | 1181 | 1053 | 1119 | 1096 | 1081 |

The risk rating awarded is generated by the inspecting officer who scores the business based on the types and quantities of food produced and their compliance with food hygiene requirements. Businesses awaiting inspection are classified as Unrated and those registered with other council’s and trading in our area are deemed outside the inspection programme. The figures for 2020/21 were subject to Covid 19 restrictions causing an increase in the unrated total.

The risk band awarded also determines how often the food business will be inspected as detailed in the table below:

| Risk band | Minimum intervention frequency |
|-----------|--|
| A | At least every 6 months |
| B | At least every 12 months |
| C | At least every 18 months |
| D | At least every 24 months |
| E | A programme of alternative enforcement strategies or interventions every three years |

Businesses can be rated as a category A or B if they carry out a high risk activity such as food manufacturing, or if they are found to have poor compliance such as a premises awarded a zero or 1 Food Hygiene Rating.

A number of specialist and complex food manufacturers are located within the district including

- **2 Meat Product manufacturers**

Officers responsible for inspecting/auditing these premises have received specialist training in the relevant fields.

2.5 Enforcement Policy

The Council has approved an Enforcement Policy and carries out its' regulatory functions in accordance with the Regulators Compliance Code. The importance of achieving a fair and consistent approach to enforcement is recognised by the council. The Enforcement Policy is followed for all enforcement action undertaken by the food service and is available on the council's website: [Corporate Enforcement Policy | Newcastle-Under-Lyme Borough Council](#)

3. Service Delivery

3.1 Interventions at Food Establishments

An annual risk-prioritised programme of inspections will be undertaken in accordance with the Food Safety Act 1990 Code of Practice. The Service will use the full range of interventions and enforcement options available to ensure that the highest standards of food hygiene and safety are achieved and maintained.

In 2021/22 there are 443 food premises due for a Food Hygiene Inspection, alongside this column are the overdue inspections (due to Covid lockdown) carried over from 2020/21 in the table below:

| Food premises risk band | Total due in 2021-22 | Overdue from 2020-21 | Total due in 2020-21 | Total in 2019-20 |
|--------------------------------|-----------------------------|-----------------------------|-----------------------------|-------------------------|
| A – Highest 'risk' | 0 | 0 | 0 | 1 |
| B | 8 | 21 | 29 | 28 |
| C | 75 | 44 | 99 | 105 |
| D | 163 | 100 | 175 | 165 |
| E – Lowest 'risk' | 114 | 130 | 130 | 182 |
| OUTSIDE | 2 | 2 | 2 | 1 |
| UNRATED | 81 | 20 | 28 | 40 |
| Grand Total | 443 | 317 | 463 | 522 |

In 2021/22 the Service aims to achieve:

100% of High Risk food premises (categories A – B) using full inspections/audits.

100% of category C premises using full inspections/audits.

50% of category D premises using full inspections/audits.

50% of category E premises will be subject to an inspection or alternative enforcement strategy such as a self-inspection form, to help assess compliance and identify if there has been any change in operations that warrants an inspection.

100% of Unrated premises using full inspections/audits.

NB we received 81 new food premise registration forms in 2020/21 notifying us of new food businesses or changes in ownership. This area of work places a significant demand on our Service as these inspections should be carried out within 28 days. We have no control over this reactive type of work and will aim to achieve 100% of these inspections. However if demand becomes excessive, then resources will be diverted away from lower risk category E and D inspections.

National Food Hygiene Rating Scheme

Newcastle-under-Lyme Borough Council was the first Council in Staffordshire to launch the national Food Hygiene Rating Scheme in June 2011. This has allowed residents and visitors the opportunity to make an informed choice about where they eat based on the premises last Food Hygiene inspection.

After each inspection all food premises are given a score based on their compliance with food hygiene law and confidence in management. These scores are then converted into a Food Hygiene Rating based on the FSA's 'Brand Standard'. Businesses can receive a Rating between zero and five.

On 1st April 2021 the following profile of Food Hygiene Ratings were published:

| FHRS | Total Premises April 2021 |
|---|----------------------------------|
| 5 – Very Good | 791 |
| 4 – Good | 87 |
| 3 – Generally Satisfactory | 32 |
| 2 – Improvement Necessary | 2 |
| 1 – Major improvement necessary | 2 |
| 0 – Urgent Improvement Necessary | None |
| Grand Total | 914 |

The Food and Safety Team plan to target any premises rated 3 or below to try and improve hygiene standards and protect public health. These premises will be subject to an enhanced number of revisits with the aim of improving standards. However where very serious hygiene offences are identified these premises may also be subject to enforcement action.

Please note, certain categories of food businesses are exempt from the scheme if they do not sell direct to the public or are handling low risk food only e.g. newsagents.

Revisits

Revisits are only made where serious or ongoing contraventions are found during the initial inspection. Last year 3 Food Hygiene revisits were carried out, but it is anticipated that a larger number will be required in future years as Covid 19 influenced the reduced figures for this year.

Alternative Inspection/ Intervention Strategies

The Service uses an alternative enforcement strategy to deal with lower risk category E food premises. This approach is advocated by the Food Standards Agency as a means to target limited resources towards areas of greatest risk.

The strategy involves sending a food safety questionnaire to those low-risk businesses rated as an E. Proprietors must then self-assess the food safety risk posed by the business and return the questionnaire. Responses are assessed to determine whether any further action is required and non-respondents are targeted with follow up actions and visits if necessary.

Inland control of Imported food

Officers routinely check the traceability of all food during their interventions and this includes food that has been imported from outside the EU ('Third' countries). Officers within the team have received specialist training in Imported Food Control from the Food Standards Agency and support materials are available on the FSA website. Officers also monitor the microbiological quality of imported food as part of national and cross-regional sampling programmes.

3.2 Food Complaints

Food complaints received and investigated by the service fall into one of the following categories of Service Request:

- Food contamination
- Complaints about Hygiene of food businesses (hygiene, pests etc.)

| Year | Food Complaints | Hygiene of Food Premises |
|---------|-----------------|--------------------------|
| 2020/21 | 35 | 27 |
| 2019/20 | 52 | 251 |
| 2018/19 | 29 | 161 |
| 2017/18 | 80 | 232 |
| 2016/17 | 33 | 141 |

We have no control over this reactive area of workload and will aim to respond to all service requests within the necessary timescales. Where the service receives excessive numbers of service requests then the Team Manager and Head of Service will make a decision on how these should be prioritised and whether resources need to be re-allocated.

Service requests are investigated in accordance with established procedures and policies. The initial response to complaints will be within five working days depending on the severity of the complaint, with more serious complaints receiving a more urgent response. Covid 19 lockdowns have reduced customer visits and purchases during 20/ 21 which is reflected in the totals above.

3.3 Home Authority Principle and Primary Authority Scheme

The Home Authority Principle is an arrangement where multi-national food businesses can enter into a formal arrangement with a single local authority (known as their Home Authority), to agree on common standards and interpretation of the Regulations in their many premises with the aim of ensuring consistency of enforcement. Local Authorities dealing with these businesses are then expected to have regard to any arrangement agreed by the Home Authority before taking enforcement action.

Primary Authority Scheme

Regulatory Delivery's Primary Authority Scheme is the gateway to simpler, more successful local regulation. It gives businesses the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance.

Newcastle Borough Council is not currently acting as a Primary or Home Authority for any businesses within the borough. All of our officers are aware of the schemes and prior to any inspection of a food business that has a Primary Authority, our officers will check the Primary Authority website to review documentation and inspection plans.

3.4 Advice to Business

Wherever possible, our officers will try and work with new and existing food businesses to help them comply with the legislation. Officers will offer advice when requested, and will encourage food business operators through an educative approach to adopt good practice. This is achieved through a number of measures:

- On request, Safer Food Direct: Business support and advice to local businesses ;
- Advisory visits to new and existing businesses who require guidance;
- Advice is routinely given during inspections and other visits to premises;
- Provision of information leaflets and signposting;
- Responding to service requests and enquiries;
- The Council's website;

3.5 Food Inspection and Sampling Programme

Our food sampling activities play an important role in monitoring the microbiological quality of food sold locally and helps us verify that the food business operators have effective food hygiene controls in place. Food is sampled according to a programme co-ordinated through the Staffordshire and Shropshire Food Liaison Group, together with colleagues at the regional Public Health England laboratory at in London. Members of the group implement national, cross-regional and local sampling initiatives based on national intelligence and incidents.

Additional food sampling is carried out as necessary to support food hygiene inspections, the investigation of food complaints and outbreaks of food borne disease.

Samples are currently sent for microbiological examination to the Public Health England UKAS accredited laboratory in London. The laboratory send a courier to collect samples from the Council offices on Tuesdays and Thursdays.

Samples requiring analysis for chemical or physical parameters are sent to the Public Analyst.

The following table outlines the number of food samples taken from food premises for microbiological examination in the last 5 years, (in 20/21 the sampling program was paused due to covid 19):

| Year | Microbiological Food Samples |
|---------|------------------------------|
| 2020/21 | 0 |
| 2019/20 | 104 |
| 2018/19 | 113 |
| 2017/18 | 120 |
| 2016/17 | 112 |

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Food and Safety team investigates all reported cases and outbreaks of food poisoning occurring within the borough in liaison with our colleagues at Public Health England.

The objectives of this service are to:

- Fulfil the Council's statutory responsibilities relating to the control of infectious disease;
- Identify the source and cause of reported infection;
- Implement measures to prevent further spread;

- Protect public health by providing cases and members of the public with advice on personal hygiene, safe food handling and control of infection;
- Exclude food handlers and people working with high-risk groups in consultation with the Consultant in Communicable Disease Control (CCDC);

Large outbreaks are resource intensive and place significant demands on the Service. In the event of a significant outbreak, the Team Manager and Head of Service will monitor the situation and re-allocate resources and staff from other areas as necessary.

During 2020/21 the Council received 72 reported cases of infectious disease, this figure is lower than past years as the Public Health England Laboratory has been diverted to contend with Covid 19. Control of food related infectious disease is a priority area due to the possible health consequences for the individual and the risk of infection spreading within the community. This area of the service will therefore receive whatever resources are required to fulfil these duties. During the Covid pandemic a number of officers have transferred to Covid 19 work, 803 notifications were received by the team, each one required a response, advice or investigation.

3.7 Food Safety Incidents

Food Alerts, product withdrawals and recalls

The FSA issues information about product withdrawals and recalls to let consumers and local authorities know about problems associated with food. A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example. A Food Alert for Action is issued where intervention by enforcement authorities is required. These notices and alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor.

When a Food Alert for Action is issued, the Council must carry out the specified actions within the alert which may include visiting food premises and removing contaminated food from sale.

The FSA also sometimes issues Allergy Alerts which are normally dealt with by our colleagues in Staffordshire County Council's Trading Standards department.

Food Alerts are sent to the Council via a designated e-mail address which are auto-forwarded to members of the Food and Safety team for their prompt attention. Outside normal working hours the Environmental Health Team Manager subscribes to the FSA's Food Alert text messaging service to alert them to any significant Food Alerts: For Action. The Environmental Health Service also operates an emergency out of hours standby rota so there is always a Manager available to respond in an emergency.

Given the reactive nature of Food Alerts it is not possible to predict the likely resources required. A 'Food Alert: For Action' can have large resource implications as they sometimes involve the need for us visit a large number of food businesses. However due to the risk to Public Health, it is essential that adequate resources are provided to action these Alerts and this area of the service will receive whatever resources are required to fulfil these duties. In serious cases the Team Manager and Head of Service will reallocate, or obtain additional resources to deal with the incident and maintain other high risk workload.

In 2020/21 we received:

| | |
|--------------------------------|----|
| Food alert for action | 41 |
| Food alert for information | 89 |
| Food allergy alert | 50 |
| Food recall information notice | 67 |

3.8 Liaison with Other Organisations

The Council is committed to ensuring that the enforcement approach it adopts is consistent with other enforcing authorities.

This is achieved through regular meetings of the Central Food Group North (Staffordshire & Shropshire) Food Liaison Group, which is attended by the Environmental Health Team Manager - Food and Safety. This group comprises of representatives from each of the 9 district and borough councils in the county, alongside Shropshire and Telford and Wrekin Council's, the County Council Trading Standards Department and the Public Health England laboratory and Health Protection teams.

This forum provides an opportunity for the authorities to discuss consistency issues both in their approach to enforcement and in the operation of the Food Hygiene Rating Scheme. The group holds regular training and consistency events and also implements an inter-authority auditing programme. The group also considers centrally issued guidance and consultations from the Food Standards Agency.

The Council also sends a representative to regular meetings with the Health protection team at Public Health England in Stafford, where communicable disease issues are discussed. These meetings are also attended by the Consultant in Communicable Disease Control (CCDC), local Water companies, DEFRA, AHVLA, Public Health nurses and the Microbiology department.

3.9 Food Safety Promotion

Officers routinely promote food safety issues during their day to day contact with Food Business Operators. We will also be participating in campaigns to promote awareness of the Food Hygiene Rating scheme as part of national Food Safety week.

4. Resources

4.1 Financial Allocation

The Food Safety and Environmental Health budget is published separately on the Council's website at www.newcastle-staffs.gov.uk/

4.2 Staffing Allocation

The Food Safety service within the Council employees the following officers:

Environmental Health Team Manager – Food and Safety
2 FTE Environmental Health Officers
2 Technical Assistant
1 Food and Safety Assistant
1 Support Assistant (Support staff)

NB These officers do not spend all of their time on Food Law enforcement as they are also responsible for a number of other professional functions such as Health and Safety enforcement, Infectious disease control, Corporate Health and Safety, Licensing etc.

4.3 Staff Development Plan

The council is committed to providing each officer responsible for Food Law enforcement with a minimum of 20 hours Continuing Professional Development (CPD) training each year.

All officers undertaking food safety work meet the qualifications and experience requirements detailed in the Food Safety Act Code of Practice.

Officers responsible for inspecting complex manufacturing and formally approved processes have previously received specialist training.

Professional and technical competence is also supported by:

- The council's annual Performance Appraisal system which helps identify training and development needs;
- Membership of the Staffordshire and Shropshire Food Safety Liaison Group;
- In-house training sessions/team briefings;

5. Quality Assessment

The Environmental Health service has systems in place to help ensure that food hygiene interventions are carried out consistently and in accordance with the Food Law Code of Practice. To assist this process a number of procedure notes and templates have been created that are available electronically to all Officers.

A procedure relating specifically to quality monitoring of inspections has been developed and this is further reinforced by:-

- The Food and Safety Manager carrying out a regular review of the paperwork, notices, and reports produced by officers following inspections;
- Consistency exercises
- Internal and inter-authority audits;
- Monthly team meetings;
- Monthly management meetings;
- Annual Performance Appraisal;

5.1 Conflicts of Interest

Article 4(2b) of [Regulation 882/2004](#) requires that staff carrying out official controls are free from any conflict of interest.

All officers are aware of potential conflicts of interest that may arise in an enforcement situation through promotion of the Food Authority's services. Officers do not provide their own services, e.g. training, in their own time within the borough. We also ensure that potential or actual conflicts of interest do not arise as a result of Home or Originating Authority responsibilities and contracting in services for enforcement purposes.

Our officers do not promote the Borough Council's services exclusively if other providers of those services exist in the area. Pest control is an example of a Council service that may be provided in competition with those supplied by other organisations. In such circumstances customers will be made aware of the availability of alternative service providers.

5.2 Enforcement within local authority-run establishments

The Service has arrangements in place for ensuring compliance with food law in establishments where the Authority is itself the food business operator, and that steps are taken to ensure enforcement decisions are free from any conflict of interest.

If serious breaches of food law are detected in borough Council establishments, this will be brought to the attention of the Chief Executive, without delay.

Contract caterers that operate within local authority establishments will be registered and inspected in the normal way. In some Council buildings, café's, bars and vending machines are provided by outside contractors who register their businesses independently.

In some Council buildings small amounts of confectionary and ice cream are occasionally sold. In such circumstances the relevant Service Manager is responsible for registering the operation with the Food and Safety team and the operation will receive an inspection in the usual way.

6 Review

6.1 Review against the Service Plan

Each quarter performance data on key performance indicators is reported to Cabinet, as detailed below:

| Indicator | 2020/21 Result |
|--|-----------------------|
| Percentage of food premises that have a zero or one national food hygiene rating. | 1.69% |

This indicator measures the percentage of food premises that have a zero or one national food hygiene rating, where following each Food Hygiene Inspection, a food business is awarded a rating of between zero (Urgent improvement necessary) and Five (Very good). These ratings are published on the website at <https://www.food.gov.uk/> and <http://ratings.food.gov.uk/> Those premises that are rated zero (urgent improvement necessary) or one (major improvement necessary) have been found to be not complying with Food Hygiene Regulations and will be subjected to enhanced business support visits/revisits (and in the most serious cases enforcement action) to help them raise their compliance and protect public health.

6.2 Local Authority Enforcement Monitoring System (LAEMS)

Each year we submit performance data to the Food Standards Agency via an online LAEMS return which is reviewed by the food standards agency. The return for 20/21 was amended to reflect Covid 19 matters and to produce a recovery plan. The data submitted will not be published on the food standards agency website.

6.3 Identification of any variation from the Service Plan

Key performance indicators listed in the above tables are reviewed on a regular basis. Results are reported to the Head of Service along with reasons for any significant variation, and where necessary an action plan is agreed to prioritise workload.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 27 July 2021

Report Title: Public Protection Sub-Committee Arrangements

Submitted by: Head of Environmental Health

Portfolios: Finance, Town Centres and Growth

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 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 principal 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 On 16th March 2021 the Committee agreed to a programme to cover the Sub-Committee meetings up until June 2021. An updated programme is included below at 2.4.

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 26th 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 Gill Williams | Cllr Graham Hutton | Cllr Andrew Parker | Cllr John Williams |
| 14/7/2021* | 6 | Cllr Sylvia Dymond | Cllr Anthony Kearon | Cllr Mark Olszewski | Cllr Gill Heesom |
| 28/7/2021 | 2 | Cllr Dave Jones | Cllr June Walklate | Cllr Graham Hutton | Cllr John Williams |
| 18/8/2021 | 6 | Cllr Jill Waring | Cllr Simon White | Cllr Stephen Sweeney | Cllr Sylvia Dymond |

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

* 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
Licensing & Public Protection meeting 16th March 2021

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 Not applicable

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of the Local Government Act 1972.

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