



**PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.**

**THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE BY NO LATER THAN 6.45PM.**

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL** on **Wednesday, 20th November, 2024** at **7.00 pm**.

## **B U S I N E S S**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

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

**3 MINUTES OF A PREVIOUS MEETING (Pages 5 - 14)**

To consider the Minutes of the previous meeting(s)

**4 MAYOR'S ANNOUNCEMENTS**

**5 WALLEYS QUARRY - ODOUR ISSUES UPDATE (Pages 15 - 24)**

**6 GAMBLING POLICY 2024 (Pages 25 - 54)**

**7 PROPOSED ANIMAL WELFARE CHARTER (Pages 55 - 70)**

**8 COMMITTEE MEMBERSHIP AND APPOINTMENTS TO OUTSIDE BODIES (To Follow)**

**9 STATEMENT OF THE LEADER OF THE COUNCIL (To Follow)**

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

**10 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES (To Follow)**

- a) Planning Committee
- b) Licensing and Public Protection Committee
- c) Audit and Standards Committee

**11 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS (To Follow)**

**12 RECEIPT OF PETITIONS**

To receive from Members any petitions which they wish to present to the Council.

**13 URGENT BUSINESS**

To consider any communications which pursuant to Section B4, Rule 9 of the constitution are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

**14 DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the following report(s) as it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

Yours faithfully



Chief Executive

## **NOTICE FOR COUNCILLORS**

### **1. Fire/Bomb Alerts**

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs.

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Mobile Phones**

Please switch off all mobile phones before entering the Council Chamber.

### **3. Notice of Motion**

A Notice of Motion other than those listed in Procedure Rule 14 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section B5, Rule 4 of the Constitution of the Council.

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

This page is intentionally left blank

# Agenda Item 3

Council - 25/09/24

## COUNCIL

Wednesday, 25th September, 2024

Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Mayor - Councillor Barry Panter (Chair)

Councillors:	Adcock	Grocott	Skelding
	Barker MBE	Heesom	Stubbs
	Beeston	Holland	Sweeney
	Berrisford	Fox-Hewitt	J Tagg
	Bettley-Smith	Hutchison	S Tagg (Leader)
	Brown	Johnson	J Waring
	Bryan	D Jones	P Waring
	Burnett-Faulkner	Moss	Whieldon
	Crisp	Northcott	Whitmore
	Dymond	Parker	Wilkes
	Fear	Reece	G Williams
	Gorton	Richards	J Williams

**Apologies:** Councillor(s) Brockie, Edginton-Plunkett, S Jones, Lawley, Lewis and Wright

Officers:	Gordon Mole	Chief Executive
	Simon McEneny	Deputy Chief Executive
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Sarah Wilkes	Service Director - Finance / S151 Officer
	Nesta Barker	Service Director - Regulatory Services
	Andrew Bird	Service Director - Sustainable Environment
	Georgina Evans-Stadward	Service Director - Strategy, People and Performance
	Geoff Durham	Civic & Member Support Officer

### 1. DECLARATIONS OF INTEREST

Although a Member declared an interest in claiming the Winter Fuel Allowance, the Service Director- Legal & Governance / Monitoring Officer advised that, in line with national guidance, any Member receiving the Allowance could still take part in the debate at item 11 of this agenda.

### 2. MINUTES OF A PREVIOUS MEETING

## **Council - 25/09/24**

**Resolved:** That the minutes of the meeting held on 24 July, 2024 be agreed as a correct record.

### **3. MAYOR'S ANNOUNCEMENTS**

The Mayor made announcements on the following:

The Mayor welcomed the opening of a new production, 'The Company of Wolves' at the New Vic Theatre.

The Mayor was holding a charity event at Holditch Miners Club on 12<sup>th</sup> October and would appreciate Members' support.

The Remembrance Sunday Parade would take place on Sunday 10<sup>th</sup> November and again called on Members' support for the event.

### **4. ANNUAL REPORT 2023/24**

The Leader introduced a report on the Council's Annual Report for 2023-24 which provided a summary of work and outcomes achieved during the first year of the Council's 2022-2026 Council Plan. A link to the Annual report was included within the report.

The Leader outlined some of the achievements of the past year which included a year long celebration of community events for the Borough's 850<sup>th</sup> anniversary of its Royal Charter; the commissioning of a statue of the late Queen Elizabeth II which would be installed in the Queens Gardens next month; becoming National Champions at Britain in Bloom Awards; Progress was made with the One Council Programme.

Councillor Sweeney pointed out that the Peer team continued to be impressed with how the Council managed its finances and found that the Council had strong leadership, financial stability and was poised to deliver once in a lifetime regeneration projects.

**Resolved:** (i) That the Council's Annual Report for 2023-24 be received.

[Watch the debate here](#)

### **5. WALLEYS QUARRY COMMITTEE OF INQUIRY REPORT**

Consideration was given to a report setting out the findings and recommendations of a Scrutiny Committee of Inquiry following a Council resolution to undertake a public hearing.

The Chair of the Committee of Inquiry, Councillor Bettley-Smith introduced the report stating that the Committee had met on five occasions prior to the first inquiry day which took place on 23 July. A second Inquiry took place on 14 August. The findings of the Committee were listed on page 28 of the agenda report. And the recommendation were listed at page 33 of the report.

It had been reported in a Parliamentary debate that Walleys Quarry was the worst performing landfill site in the country.

Councillor Dave Jones stated that the impact of Walleys Quarry on residents had been the Council's primary focus for several years and the odours continued to have a detrimental impact on people's health. Public Health and the UK Health Security Agency had stated that the levels of H2S in the environment surrounding the site was of a concentration that would impact on human health, both physically and mentally.

The Leader stated that the report had been built on vigorous analysis, community input and expert guidance. It could now be used by the Council to push for closure of the quarry and capping of the site and holding the Environment Agency to account for their failings. The report should go to the Office for Environmental Protection for them to investigate. It should also go to the new government and the new Secretary of State as the Council still wished to see a public inquiry.

Councillor Sweeney questioned what the point was of the Environment Agency if they could not deal with issues such as this.

Councillor Whieldon stated that no representative from Walleys Quarry was present throughout the Inquiry but they had put something in writing which stated 'we note that the UK Health Protection Agency concluded in a recent study that living close to a well-managed landfill site does not pose a significant risk to human health. We work hard to ensure our operators do not impact local communities'. This quote suggested that with the report of the Committee of Inquiry and all of the medical responses – Walleys Quarry was not a well-managed site.

Councillor Fox-Hewitt stated that some of the witness testimonies had been shocking and upsetting. There was a need for all who were responsible – the operators and agencies to be held accountable.

Councillor Adcock stated that there had been many opportunities to resolve the matter sooner if the right people had been listened to. Local doctors had not been listened to regarding the health impacts of raising the tonnage; local campaigners had raised concerns about illegal dumping occurring; people had previously raised concerns about the risk of fire. What was needed now was for people to be listened to.

Councillor Brown stated that she had met a lady, completely by accident, who lectured in waste management and she had a slide referring to Walleys Quarry entitled 'what can happen when things go badly wrong'.

Councillor Parker stated that the smell was becoming part of the norm. In addition, lorries were parked along Cemetery Road and Silverdale Road early in the morning, waiting for the site to open.

Councillor Fear referred to a Task and Finish Group that he chaired many years ago and never thought that it would still be an issue today. A public inquiry was still needed and deserved.

In summing up, the Leader stated that the report united everyone and was a call to action. It was key that the recommendations in the officer's covering report were implemented and taken forward and the Leader stated that he would ensure that the report went with enforcement to the Environment Agency and the Office for Environmental Protection.

**Resolved:** (i) That the report of the Committee of Inquiry at Appendix 2, be received.

- (ii) That the recommendations in the report be noted.
- (iii) That authority be delegated to the Council's Chief Executive to implement agreed actions as they relate to the Borough Council in consultation with the relevant Portfolio Holders, and that the Chief Executive liaises with the necessary external authorities for their actions.
- (iv) That updates on progress against recommendations be provided regularly to Cabinet and the relevant Scrutiny Committees.
- (v) That Full Council receives further updates as required on actions

[Watch the debate here](#)

## 6. **TREASURY MANAGEMENT ANNUAL REPORT 2023/24**

The Portfolio Holder for Finance, Town Centres and Growth introduced the Treasury Management Annual Report for 2023/24, which had been produced in line with legislative requirements.

Councillor Stubbs asked the Portfolio Holder if the report could be modernised with the possibility of sections 5 and 6 being localised. In addition, referring to the actual interest income amounted to £1.3m, the Portfolio Holder was asked where in the MTFS the amount was reflected.

The Leader stated that the request to modernise the report would be taken on board. Regarding the interest amount, the Leader stated that the Council's Finance Officer would update Councillor Stubbs on that matter.

**Resolved:** (i) That the Treasury Management Annual Report for 2023/24 be noted.

[Watch the debate here](#)

## 7. **STATEMENT OF THE LEADER OF THE COUNCIL**

The Leader, Councillor Simon Tagg presented the statement that had been circulated about the activities and decisions made by Cabinet to allow questions and comments. Reference was made to the Council's Annual Report and the Leader stated that this Council 'made things happen' and this Statement reflected that.

Questions were raised and responses were provided as follows.

### On paragraph 2 – Medium Term Financial Strategy 2025/26 to 2029/30

Councillor Stubbs stated that Appendix A went to the Finance, Assets and Performance Scrutiny Committee and showed £100,000 for restructuring. The Portfolio Holder was unable to provide details for it. Would the Leader be able to provide details. Also, given the average public sector pay awards, was the Leader happy with the proposal in the MTFS as it did not seem to be overly prudent.



The Leader stated that the restructuring was to build capacity in the legal team.

The Portfolio Holder for Finance, Town Centres and Growth stated that the Council's Section 151 Officer had meetings with other 151 officers across the County who discussed what they felt would be an appropriate figure.

Councillor Holland welcomed the MTFs and was struck by how positive the outcome was. Reference was made to the One Council Programme and its success in bringing savings to the Council and transforming the way the Council worked.

On paragraph 3 – Bradwell Dingle Play and Recreational Facility Improvements

Councillor Fox-Hewitt asked the Leader for assurance that all ward councillors would be involved in any meetings with partners or consultants regarding the dingle.

The Portfolio Holder for Sustainable Environment confirmed that it would be a good idea to get both the ward councillors and Friends of Bradwell Dingle involved.

The Leader stated that a commitment to include local members was made at Cabinet. A consultation had also taken place to include local residents.

On paragraph 5 – North Staffordshire Local Air Quality Plan

Councillor Gorton asked if the Basford Bus Gate had now been abandoned and also asked the Leader for the schemes and measures that would be put in place to improve air quality along Basford Bank.

Councillor Holland stated that earlier in the year, the government minister at the time had said that there was no longer a need for a bus gate and it would therefore be scrapped. Councillor Holland wondered if the new government were of the same opinion as he was concerned that they would take a different view and reintroduce it.

Councillor Reece asked why councillors from the Wolstanton ward had not been briefed on the work that had been undertaken by this Council, Stoke on Trent City Council or Staffordshire County Council and why hadn't the Health, Wellbeing and Environment Scrutiny Committee been provided with any updates.

The Leader stated that the issue had been in flux for a number of years and had now reached a point where it would not need to be put in place. Members were advised that Stoke on Trent City Council took a confidential report to their Cabinet on the preferred solution which would then be submitted to the government for a business case. Members would be able to view the confidential report that went to Newcastle's Cabinet meeting. Once more information was known, it would go through Cabinet and Scrutiny.

The Leader stated that during Covid, the traffic levels dropped and the levels had not returned to pre-Covid levels and therefore there were not the air quality issues on Basford Bank that had been there before.

On paragraph 6 – Quarter 1 Finance and Performance Report 2024/25

Councillor Parker asked the Portfolio Holder for Sustainable Environment for details on the increases in collection rates.

The Portfolio Holder referred to the Annual Report at item 5 of this agenda stating that 48% of the waste had been sent for reuse/recycling or composting. In the Finance and Performance Report this had been increased by 5% taking recycling up to 53% and residual waste being at 47% going to incineration. Garden waste collection was also up. Forty seven percent of households were participating in food waste collection with 2,900 tonnes being collected in the past year.

Councillor Stubbs asked what measures were being taken to establish why the sickness rate figure was higher than the target. Also, the Leader or Portfolio Holder were asked to comment on the percentage of complainants informed within the required timescales of any action.

The Leader stated that sickness figures were heading in the right direction but there were still issues with staff trying to get hospital appointments. Policies were in place which HR were enforcing to ensure that the Council was doing all it could to help members of staff get back into work.

The Portfolio Holder for Strategic Planning stated that it was always disappointing to see indicators dip. However, some enforcement issues did take a lot of time due to complex issues or legal arguments for example. It was hoped that the new Enforcement Policy would push things in the right direction.

The figures did not include informal resolutions of problems and the Portfolio Holder was looking to try and capture that.

On paragraph 7 – Borough Local Plan Regulation 19 Consultation

Councillor Bryan asked the Portfolio Holder for Strategic Planning how the governments new housing figures would affect the local plan.

Councillor Whitmore asked the Portfolio Holder for Strategic Planning how this Council could ensure that housing estates would not be built on the Borough's green spaces.

Councillor Crisp stated that if the local plan had not been agreed at the previous meeting of Full Council, the housing figures for the Borough would have fallen under the new government's NPPF housing calculations.

The Portfolio Holder for Strategic Planning, at a recent scrutiny committee, had been asked what he had been most worried about regarding the local plan and his concern had been that the incoming government would change the rules and the figures. This had now occurred but because this Council had moved promptly there would be no affect.

Regarding the green spaces, the local plan preserved them. A lot of areas had become carbon capture areas which, in the past had been scheduled for housing.

Councillor Dave Jones asked what proportion of the total land in the local plan designated for housing or employment was currently in the Green Belt.

The Portfolio Holder stated that he would forward the information to Councillor Jones as he did not know the answer at this time. However, the Council had tried its best to prioritise Brownfield sites but government figures had not made it possible to develop entirely on those sites.

Councillor Parker asked, when all submissions had been forwarded to the independent government Planning Inspector, did the Leader or Portfolio Holder have an idea of when the results would be known.

The Portfolio Holder stated that this would depend upon how the Planning Inspectorate felt about the robust nature of the Plan.

The Leader stated that the decision made at the last Council meeting had been the correct one as, if it had not been passed, the housing quota numbers would have been a lot higher.

On paragraph 8 – Queen Elizabeth II Statue

Councillor Whieldon asked the Leader if he agreed that the unveiling of the statue would be a proud moment for the Borough. The design, being at ground level would invite interaction and serve as a lasting legacy to the late Queen.

The Leader agreed and stated that the unveiling would be an excellent occasion. It was a good link to the Borough's 850<sup>th</sup> Celebrations last year as it tied in with Queen Elizabeth II's visit to the Borough in 1973. The statue would be unique to Newcastle.

On paragraph 9 – Heart of England in Bloom awards success

The Portfolio Holder for Sustainable Environment stated that he was extremely proud of this achievement of securing the 33<sup>rd</sup> consecutive gold award.

Councillor John Williams said that the Queens Gardens were the pride of the Borough. However, reference was made to the state of grass cutting in Douglas Road, Cross Heath.

The Leader stated that this year the Council had partnered with the BID and entered a new category and won gold plus had been the category overall winner and were now through to the finals.

Referring to the grass cutting in Douglas Road. As part of the Grass Management Strategy, that area of grass had been left long deliberately to promote nature. However, he agreed that the area did look a bit too neglected and at the end of the current growing season, local members would be included in a review of the site.

On paragraph 10 – Forward Plan

Councillor Dave Jones asked about the availability of reports and background papers in a suitable timeframe ahead of meetings. The Leader was asked if he agreed that all papers and reports for any council meeting should be made available seven days ahead of meetings to enable Councillors to be prepared for them.

The Leader agreed on the principle but sometimes there were cases where the latest information was awaited in order for Members to receive the most up to date position. The comment was taken on board in respect of future reports.

[Watch the debate here](#)

**8. REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES**

Reports for the Audit and Standards Committee, Licensing and Public Protection Committee and the Planning Committee were attached to the agenda.

**Resolved:** That the reports be received.

[Watch the debate here](#)

**9. MOTIONS OF MEMBERS**

A Motion was received concerning changes to winter fuel payments and protecting pensioners from fuel poverty, proposed by Councillor Holland and seconded by Councillor Simon Tagg.

Following a debate, a named vote was taken.

ADCOCK	Y	GORTON	Y	RICHARDS	Y
ALLPORT	ABSENT	GROCOTT	Y	SKELDING	ABSENT
BARKER	Y	HEESOM	Y	STUBBS	Y
BEESTON	Y	HOLLAND	Y	SWEENEY	Y
BERRISFORD	Y	HUTCHISON	Y	J TAGG	Y
BETTLEY-SMITH	Y	JOHNSON	Y	S TAGG	Y
BROCKIE	ABSENT	D JONES	Y	J WARING	Y
BROWN	Y	S JONES	ABSENT	P WARING	Y
BRYAN	Y	LAWLEY	ABSENT	WHIELDON	Y
BURNETT-FAULKNER	Y	LEWIS	ABSENT	WHITMORE	Y
CRISP	Y	MOSS	Y	WILKES	ABSENT
DYMOND	Y	NORTHCOTT	Y	G WILLIAMS	Y
EDGINGTON-PLUNKETT	ABSENT	PANTER	Y	J WILLIAMS	Y
FEAR	Y	PARKER	Y	WRIGHT	ABSENT
FOX-HEWITT	Y	REECE	Y		

In Favour (Y) – 35

Against (N) - 0

Abstain – 0

The motion was carried

[Watch the debate here](#)

**10. QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS**

Question from Councillor Dave Jones to the Portfolio Holder for Strategic Planning

“My question relates to action to be taken by the Council at 5 Boggs Cottages, where personal permission was granted, at appeal, for the landowner and family to reside at the site following discharge of a number of conditions. Under the appeal, the conditions of granting permission required discharge of drainage details, provisions for facilities for water and sewerage by the 20th March 2023. The Council has since refused to discharge these conditions. Given that the deadline for meeting these conditions was nearly 18 months ago, can the Portfolio Holder outline when the Council will take action over the failure to meet planning conditions.”

The Portfolio Holder for Strategic Planning stated that the planning permission in question was granted on appeal by the Planning Inspectorate and subject to a number of conditions. It had become clear that compliance with the condition to provide a satisfactory drainage solution raised some technical issues which to date the owner had been unable to overcome. Consequently, the Council had not been able to discharge this condition. In terms of subsequent enforcement action the Council had to consider a number of factors including what options would be available to enable the applicant to achieve an appropriate drainage scheme but also what the actual impact and harm of there being no drainage scheme in place was having on local residents/environment.

At the same time officers had been considering matters, they had also engaged legal advice. In the light of national guidance and the Council's own approved Enforcement Policy the Council were obliged to assess the harm caused by the lack of an approved drainage scheme on the local residents and environment. If no valid reasons could be put forward then arguably it would not be expedient to pursue any enforcement action.

Councillor Jones asked a supplementary question:

“Having spoken to the Planning Inspectorate he had been informed that the Council could take action as of 20 March, 2023. Would the Portfolio Holder commit to taking action now, rather than later”.

The Portfolio Holder stated that part of the problem was with regard to the discharge of a particular condition. Advice so far had been that the condition could not be discharged at this point in time. Advice would need to be taken from lawyers regarding that but gave an undertaking that he would put that question to them and would report back to Councillor Jones.

Question from Councillor Paul Northcott to the Portfolio Holder for Strategic Planning

“There has been coverage in the media about the resurrection of plans for a ‘high-speed’ rail link between Birmingham and Manchester. This would follow the same route as HS2 through Newcastle Borough affecting both my Borough Ward and County Division.

Does the Portfolio Holder agree with me that such a move would be a hammer blow to residents along the proposed route in Whitmore & Madeley who were relieved that HS2 had been scrapped by the previous Conservative Government, and like HS2 this latest proposal has no benefits for the rural area or the borough as a whole? “

The Portfolio Holder stated that attempts were being made to resurrect what effectively would be a high speed route from Lichfield to the north west mirroring

## **Council - 25/09/24**

much of the previously planned HS2 Phase 2a route, which had been abandoned. New plans had emerged and a report had duly been prepared by a consortium of private sector organisations and was published recently.

Any high speed link would not be to the benefit of this borough, its residents or the environment. The impacts would be such that communities would likely be adversely affected and large areas of existing countryside would be taken up by the route and its related infrastructure. The plans now being talked about would likely have the same effects and bring no benefits and indeed cause further harm to those communities impacted by the original plans and associated works.

Councillor Northcott asked a supplementary question:

“Would the Portfolio Holder write to Adam Jogee MP to gain his opposition towards any resurrection of plans for the high speed rail link and to oppose any other attempts to resurrect any similar schemes”

The Portfolio Holder confirmed that he would do that.

[Watch the debate here](#)

### **11. RECEIPT OF PETITIONS**

There were no petitions.

### **12. URGENT BUSINESS**

There was no urgent business

### **13. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

### **14. REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES**

The reports for the Health, Wellbeing and Environment Scrutiny Committee, Economy and Place Scrutiny Committee and Finance Assets and Performance Scrutiny Committee had been circulated with the agenda.

**Resolved:** That the reports be received.

[Watch the debate here](#)

**Mayor - Councillor Barry Panter  
Chair**

Meeting concluded at 9.45 pm

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S**

**REPORT TO COUNCIL**

**20 November 2024**

**Report Title:** Walleys Quarry – Odour Issues Update

**Submitted by:** Chief Executive

**Portfolios:** Sustainable Environment; One Council, People & Partnerships

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	
To update Council on the latest position regarding the problematic odours in the Borough associated with Walleys Quarry.	
<b><u>Recommendation</u></b>	<b><u>Key Decision</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Council is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Note and endorse the action being taken by the Council in respect of legal action against Walleys Quarry Ltd for alleged breaches of an Abatement Notice, which obliges the operator to not create or allow statutory odour nuisance.</b></li> <li><b>2. Note the continued and increasing level of complaints in respect of odours at Walleys Quarry.</b></li> <li><b>3. Approve the additional funding allocation of £400k (£250k from the General Fund Reserve, £150k from the Budget and Borrowing Support Fund) for costs associated with legal action, and delegate to the Chief Executive and Section 151 Officer, in consultation with the Portfolio Holders for One Council, People and Performance and Town Centres and Finance, to draw down and remit such funds as are necessary for this action.</b></li> </ol>	
<b><u>Reasons</u></b>	
To ensure that Council is kept updated on the ongoing work regarding the problem odours associated with Walleys Quarry Landfill Site.	

**1. Background**

- 1.1 For a number of years, parts of the borough have suffered from foul odours from the Walleys Quarry Landfill Site in Silverdale operated by Walleys Quarry Ltd. The Environment Agency (EA) is the lead regulator for such sites, testing and enforcing compliance with the permit under which the site operates. The Council also has a role in influencing the operation and performance of such sites, where an operator fails to comply with actions required under an abatement notice issued by the Council in relation to any statutory nuisance caused by the site.

- 1.2 In March 2021, Council held an extraordinary meeting to receive the report of the Economy, Environment and Place Scrutiny Committee review into the Walleys Quarry issues, and to debate a motion demanding the immediate suspension of operations and acceptance of waste at the Walleys Quarry Landfill site.
- 1.3 Following extensive work, officers determined that the odours from the Walleys Quarry site amounted to a Statutory Nuisance and, on 13 August 2021, served an Abatement Notice on Walleys Quarry Ltd. (WQL). Following an appeal by Walleys Quarry Ltd, and a successful mediation process, His Honour District Judge Grego approved the settlement that the parties had reached and issued a court order upholding the Abatement Notice and dismissing WQL's appeal on 6 October 2022.
- 1.4 The Council continues to assess the prevalence of odours off site. If there are further instances of statutory nuisance identified which amount to a breach of the Abatement Notice, the Council's Enforcement Policy will guide the process to be followed [Reference: [Environmental Health enforcement policy – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk)]. This would determine what action the Council would take, and whether that would be formal or informal. Enforcement is usually considered sequentially but should the circumstances or nature of the breach be such, escalation direct to prosecution is possible. The Council needs to obtain the consent of the Secretary of State before it is able to take legal action in respect of an offence of breaching an abatement notice, as the site is permitted by the Environment Agency. Such consent has been obtained in July 2024.
- 1.5 Appointed Members and Officers attend Liaison Meetings to maintain contact with Walleys Quarry Ltd, and with other agencies involved with the issue. Cabinet has received monthly updates on the issues relating to the odours, and Council has also been regularly updated.

## **2. Issues**

### **Progressing the Abatement Notice**

- 2.1 The Council secured an Abatement Notice in relation to the Walleys Quarry site and, if necessary, now has the power to take enforcement action in relation to odours from Walleys Quarry. Nevertheless, the Environment Agency is the primary regulator of this site and should reasonably be relied upon to take all necessary enforcement action, which would negate the need for the Council to act.
- 2.2 Critically, under the law, whilst odours may exist off site at levels which could be considered a breach of the notice, that breach would be unenforceable (or a defence against creating a statutory nuisance) if the operator can show that Best Practical Means (BPM) are routinely deployed in the management of the site. Whilst the existence or not of BPM can be debated, it would be a court which would determine whether BPM was in place at the time of the breach. That said, prior to entering into any formal legal action it is necessary for the Council to formulate a view with regard to this matter, this is ongoing.
- 2.3 At the core of next steps are two issues – whether the Environment Agency as the primary enforcement agent for this site have been successful in remedying the issues; and whether a defence of BPM exists. Where either of these are assessed to be in place it would not be in the public interest for the Council to pursue this matter further.
- 2.4 On 29 July 2024 the Rt Hon Steve Reed OBE MP, Secretary of State Environment, Food and Rural Affairs responded to the Leader's request for permission to prosecute



Walleys Quarry Ltd. under statutory nuisance legislation, confirming that he would grant consent for legal action.

- 2.5 On 30 September 2024 the Chief Executive confirmed an intention to move to legal action, noting “We are moving as quickly as possible in a complex situation. There are very few precedents for taking legal action against an operator regulated by a Government agency, so there is a great deal of legal advice and preparation involved, however I believe we will be ready to take the next step by the end of October.”
- 2.6 On 31 October 2024 the Chief Executive Gordon Mole, Chief Executive of Newcastle-under-Lyme Borough Council, updated by noting that the process is underway now that the Council has appointed Jeremy Phillips KC and Horatio Waller, both of FTB Chambers, which has a strong reputation in this field. There is a complex, detailed process to be followed.

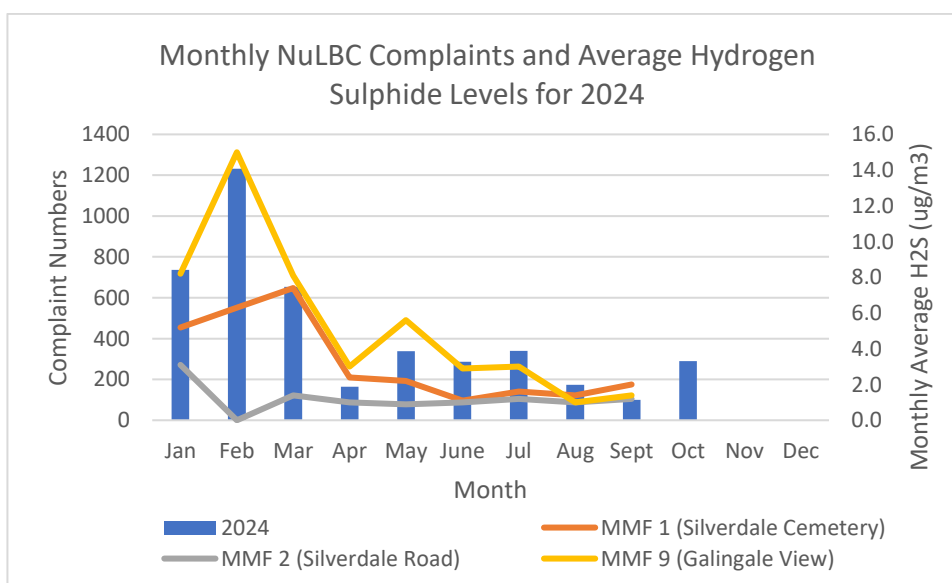
### Complaint Data

2.7 Complaints in relation to odour arising from Walleys Quarry remains the single most complained about issue in the Borough. Below is a table showing complaint numbers each year since 2021.

	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec
<b>2021</b>	920	3266	4801	3316	3465	1880	1648	891	630	190	251	185
<b>2022</b>	504	141	921	548	158	112	54	79	53	206	145	94
<b>2023</b>	129	47	109	253	343	230	87	42	63	87	198	248
<b>2024</b>	736	1232	653	165	338	286	340	174	100	290		

2.8 Complaint numbers are dominated by the 2021 peak, however it can be seen that complaints in 2024 exceed the complaints received in 2023, with the exception of April and May.

2.9 The graph below shows the data for complaints received and the monthly average hydrogen sulphide levels for 2024. This shows good correlation between the two.



## Environment Agency

- 2.10 The Environment Agency on 31 October 2024 published an amended and reissued Compliance Assessment Report 0476949 (the CAR).
- 2.11 The CAR records that: “The non-compliance with permit condition 2.4.1 in respect of the Capping and Phasing Plan has been removed because the Environment Agency accepts that the Capping and Phasing Plan was not incorporated as a specified operating technique for the purposes of condition 2.4.1. [of the permit].
- 2.12 Following a response from the Minister for Nature to the Leader of the Council in respect of the need to hold a public inquiry, where it was noted by the Minister that such an inquiry would not represent value for money, the Chief Executive has written to the Secretary of State asking that this decision be kept under review following publication of the Committee of Inquiry report.
- 2.13 The Leader of the Council and Chief Executive have also asked the Member of Parliament for Newcastle-Under-Lyme to support a public inquiry, as detailed in the Committee of Inquiry update, below.

### Committee of Inquiry:

- 2.14 A special meeting of Council was held on the 14<sup>th</sup> February 2024 regarding the Walleys Quarry situation. A motion was passed and endorsed with a number of actions one which was the setting up of a Health, Wellbeing and Environment Scrutiny ‘Committee of Inquiry’ as a public hearing.
- 2.15 A member-led Committee of Inquiry was established to look at the impact on local communities from the Walleys Quarry Landfill operation.
- 2.16 The specific lines of inquiry, determined by Full Council, and considered by the Committee of Inquiry were:
- What is the impact of the ongoing odour issue?
  - What needs to be done next, and by whom, to bring about resolution?
  - What, if any, opportunities have been missed to resolve this issue sooner?
- 2.17 The Committee of Inquiry members prepared a report which was endorsed at the meeting of Council on 25<sup>th</sup> September 2024 a copy of the Council report and recommendations is available at [Committee of Inquiry - Walleys Quarry](#) .
- 2.18 The Committee of Inquiry's recommendations, along with an update on actions, is shown below:

**0. For the Environment Agency to serve a closure notice to commence the process of the site being closed.**

**1. Support further legal action being taken by the Borough Council.** The Council has confirmed that it is progressing legal action.

**2. Investigate the costs for restoration of the site against the value of the restoration bond.** Early assessment has been carried out, with further work to follow in the New Year.

3. **Seek evidence of previous core sampling and carry out new sampling if safe to do so, to establish waste content.** This action has been raised through the Strategic Co-ordination Group.
4. **Reiterate the need for a Government-led Public Inquiry into the role of the EA as a regulator and their failings in respect of the Walleys Quarry site.** See action below.
5. **Note that the Office for Environmental Protection (OEP) is the appropriate body to support such an Inquiry.** On 30 September 2024 the Chief Executive wrote to the Office of Environmental Protection. As no response has been received to date, on 5<sup>th</sup> November, the Leader of the Council and Chief Executive wrote to the Member of Parliament for Newcastle-Under-Lyme to request support in seeking a public inquiry.
6. **It was suggested that the WQ Liaison Committee should continue to look at restoration plans to ensure that the site is capped and restored effectively and to the correct standards.** The Liaison Committee meetings continue to meet and share information on the site's operation and plans.
7. **Independent monitoring of emissions on the site are needed, to restore public confidence in findings.** Officers are actively exploring monitoring options and associated costs.
8. **Implement Dr Scott's coding system in use at the Silverdale and Keele GP practices across all surgeries in the borough, to capture health issues.** This action sits with the Public Health service.
9. **Share a copy of this report with the Chartered Institute of Waste Management and invite their comment on the findings.** On 30 September 2024, the Chief Executive wrote to the Chartered Institute of Waste Management [CIWM]. The Chief Executive at CIWM responded 30<sup>th</sup> September 2024, noting "I'm saddened to hear the impact the site has had on your residents. The powers CIWM have are limited to either removing an organisation from the membership if it fails to comply with our code of conduct or investigating a complaint of an individual member which could result in disciplinary action and removal from the membership including no longer being able to use the letters after their name.  
  
I have investigated Walleys Quarry Ltd, and we have no such organisation in the membership and therefore, we can't pursue this line of investigation. If the council has a concern/complaint about the conduct of an individual member of CIWM and we can verify them to be a member then we can instigate our process in line with our constitution"
10. **A copy of this report to be sent to ARCADIS consultants for information.** An Impact study, commissioned jointly by a group of public bodies, including Staffordshire County Council, Newcastle-under-Lyme Borough Council, the Environment Agency and UK Health Security Agency, will be carried out by the independent Arcadis Consulting and findings will be published when available. On 8<sup>th</sup> October 2024 a copy of the Inquiry report was sent to Arcadis.

### 3. Proposal

- 3.1 Council is recommended to:

- Note the contents of this update report and endorse the Council's approach to seeking legal action against Walleys Quarry Ltd.
- Approve the sum of £400k (£250k from the General Fund Reserve, £150k from the Budget and Borrowing Support Fund) for costs associated with action to prosecute, and delegate to the Chief Executive and Section 151 Officer, in consultation with the Portfolio Holders for One Council, People and Performance and Town Centres and Finance, to draw down and remit such funds as are necessary for this action.

#### **4. Reasons for Proposed Solution**

- 4.1 To ensure Council is kept updated of the ongoing work to address the issues associated with the odours from Walleys Quarry landfill and to keep under review opportunities to further action.

#### **5. Options Considered**

- 5.1 To provide regular updates to Council.
- 5.2 Having determined that the Abatement Notice has been breached, the Council has considered a variety of potential legal options including:
- Take no action;
  - Take enforcement action against Walleys Quarry for Breach of the Abatement Notice;
  - Recognise that the Environment Agency is the lead regulator for the site, and use the evidence collected to support the Agency in its enforcement action.

#### **6. Legal and Statutory Implications**

- 6.1 Part III of the Environmental Protection Act 1990 is the legislation concerned with statutory nuisances in law. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance:
- The Environmental Protection Act 1990, section 79 sets out the law in relation to statutory nuisance. This is the principal piece of legislation covering the Council's duties and responsibilities in respect of issues relating to odour nuisance.
  - The relevant part of Section 79 defines a statutory nuisance as any smell or other effluvia arising on industrial, trade or business premises which is prejudicial to health or a nuisance. The Council is responsible for undertaking inspections and responding to complaints to determine whether a statutory nuisance exists.
  - Where a statutory nuisance is identified or considered likely to arise or recur, section 80 of the Act requires that an abatement notice is served on those responsible for the nuisance. The abatement notice can either prohibit or restrict the nuisance and may require works to be undertaken by a specified date(s).
  - It is then a criminal offence to breach the terms of the abatement notice. Because the site is regulated by the Environment Agency under an Environmental Permit, the council would need to obtain the consent of the

Secretary of State before it is able to prosecute any offence of breaching the abatement notice.

- The Act provides powers in respect of a breach. If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, they shall be guilty of an offence. If this is on industrial, trade or business premises shall be liable on conviction to an unlimited fine. It is a defence that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.

## **7. Equality Impact Assessment**

- 7.1 The work of the Council in this regard recognises that the problematic odours in the area may impact on some groups more than others. The work is focussed on minimising this impact as soon as possible.

## **8. Financial and Resource Implications**

- 8.1 Funding will be provided through the Walleys Quarry Reserve £300k which was approved at Full Council in February 2024.
- 8.2 Further funding of £300k was made available through the transfer of useable reserves (£100k from the Borough Growth Fund and £200k from the Budget and Borrowing Support Fund). Which did not require Council approval, this transfer resulted in a total allocation of £600k.
- 8.3 Should proceedings regarding the breach of the Council's Abatement Notice exceed £600k, a further £400k will be made available following approval at this Council meeting of 20 November 2024. This additional resource would be met by a transfer of usable reserves of £150k from the Budget and Borrowing Support Fund and £250k would be required from the General Fund Reserve.
- 8.4 In order to utilise £250k from the General Fund Reserve, the Service Director for Finance (S151 Officer) has completed a review of the Risk Assessment on Required Balances as at the 31 March 2024 which was presented to Council on 14 February 2024. The General Fund Risk Assessment include risks associated with income levels regarding the impact of covid and non-realisation of budget savings. These two risks area have been reviewed and reduced due to recovery from covid and previous years budget savings being consistently achieved.

## **9. Major Risks**

- 9.1 A GRACE risk assessment has been completed including the following main risks:
- Failure to achieve a reduction in odour levels;
  - Community dissatisfaction at odour levels;
  - The ability to take enforcement action against abatement notice;
  - Failure to evidence a breach of the abatement notice;
  - Secretary of State refuses permission to undertake prosecution proceedings.
- 9.2 Controls have been identified and implemented in order to control these risks; the main controls include:

- Provisions in settlement agreement ensures greater transparency for public;
- Provisions in settlement agreement ensures regular meetings with Walleys Quarry which enable issues to be discussed;
- Dedicated officer resource for Walleys Quarry work has been secured;
- Continued air quality monitoring provision;
- Robust procedure for investigating complaints with experienced officers;
- Specialist expert advice maintained;
- Multi-Agency partnership working continues.

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



**11. One Council**

Please confirm that consideration has been given to the following programmes of work:

- One Commercial Council
- One Digital Council
- One Green Council

**12. Key Decision Information**

12.1 This is a Key Decision.

**13. Earlier Cabinet/Committee Resolutions**

13.1 This matter has been variously considered previously by Economy, Environment & Place Scrutiny Committee, Council and Cabinet on 21 April 2021, 9<sup>th</sup> June 2021, 7<sup>th</sup> July 2021, 21<sup>st</sup> July 2021, 8<sup>th</sup> September 2021, 13<sup>th</sup> October 2021, 3<sup>rd</sup> November 2021, 17<sup>th</sup> November, 1<sup>st</sup> December 2021, 12<sup>th</sup> January 2022, 2<sup>nd</sup> February 2022, 23<sup>rd</sup> February 2022, 23<sup>rd</sup> March 2022, 20<sup>th</sup> April 2022, 7<sup>th</sup> June 2022, 19<sup>th</sup> July 2022, 6<sup>th</sup> September 2022, 18<sup>th</sup> October 2022, 8<sup>th</sup> November 2022, 6<sup>th</sup> December 2022, 10<sup>th</sup> January 2023, 7<sup>th</sup> February 2023, 13<sup>th</sup> March 2023, 5<sup>th</sup> April 2023, 6<sup>th</sup> June 2023, 18<sup>th</sup> July 2023, 19<sup>th</sup> September 2023, 17<sup>th</sup> October 2023, 7<sup>th</sup> November 2023, 5<sup>th</sup> December 2023, 16<sup>th</sup> January 2024, 6<sup>th</sup> February 2024, 14<sup>th</sup> February 2024, 19<sup>th</sup> March 2024,

10<sup>th</sup> April 2024, 4<sup>th</sup> June 2024, 16<sup>th</sup> July 2024, 10<sup>th</sup> September 2024, 25<sup>th</sup> September 2024, 15<sup>th</sup> October 2024, 5<sup>th</sup> November 2024.

**14. List of Appendices**

None

This page is intentionally left blank





**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**Council  
20 November 2024**

**Report Title:** Gambling Act 2005 – Review of Statement of Licensing Policy

**Submitted by:** Chief Executive

**Portfolios:** Finance, Town Centre & Growth

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To adopt an updated Gambling Licensing Policy			
<b><u>Recommendation</u></b> That Council adopts the updated Gambling Licensing Policy appended to this Report, as recommended by the Licensing and Public Protection Committee.			
<b><u>Reasons</u></b> 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 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. The latest update is required to be published by 3 January 2025 and in force by 21 January 2025. The policy was considered by the Licensing and Public Protection Committee on 29 October 2024 which resolved to recommend to Council the adoption of the attached revised policy. The policy and the report to Committee are attached.

2. **Issues**

2.1 See attached report.

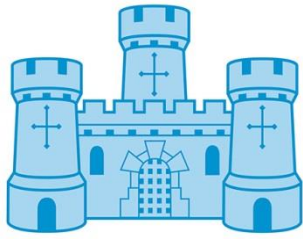
3. **Recommendation**

3.1 That Council adopts the updated Gambling Licensing Policy appended to this Report, as recommended by the Licensing and Public Protection Committee.

4. **Reasons**

4.1 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.

5. **Options Considered**
  - 5.1 See attached report.
6. **Legal and Statutory Implications**
  - 6.1 See attached report.
7. **Equality Impact Assessment**
  - 7.1 See attached report.
8. **Financial and Resource Implications**
  - 8.1 See attached report.
9. **Major Risks**
  - 9.1 See attached report.
10. **UN Sustainable Development Goals (UNSDG)**
  - 10.1 See attached report.
11. **Key Decision Information**
  - 11.1 This is not a Key Decision
12. **Earlier Cabinet/Committee Resolutions**
  - 12.1 See attached report.
13. **List of Appendices**
  - 13.1 See attached report.
14. **Background Papers**
  - 14.1 See attached report.



NEWCASTLE·UNDER·LYME  
BOROUGH COUNCIL

## Gambling Act 2005

# Statement of Licensing Principles

## 2025-2028

**Published on 3<sup>rd</sup> January 2025**

**Implementation date: 31<sup>st</sup> January 2025**

**CONTENTS**

<b>PART A – THE GAMBLING ACT 2015</b>	
1. Introduction	<b>3</b>
2. The Licensing Objectives	<b>4</b>
3. The Licensing Framework	<b>4</b>
4. Local Risk Assessment	<b>5</b>
5. Local Area Profile	<b>6</b>
6. Declaration	<b>6</b>
7. Responsible Authorities	<b>6</b>
8. Interested Parties	<b>7</b>
9. Exchange of Information	<b>8</b>
10. Data Protection	<b>8</b>
11. Licensing Authority Functions	<b>8</b>
12. Definition of Children and Young Persons	<b>9</b>
<b>PART B – THE LICENSING OBJECTIVES</b>	
13. Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	<b>10</b>
14. Ensuring that Gambling is conducted in a fair and open way	<b>10</b>
15. Protecting children and other vulnerable persons from being harmed or exploited by gambling	<b>10</b>
<b>PART C – PREMISES LICENCES</b>	
16. Introduction to Premises Licences	<b>12</b>
• Definition	
• Location	
• Duplication with other Regimes	
• Conditions	
• Door Supervision	
17. Adult Gaming Centres	<b>14</b>
18. Casinos	<b>15</b>
19. Bingo Premises	<b>15</b>
20. Betting Premises	<b>15</b>
21. Travelling Fairs	<b>17</b>
22. Provisional Statements	<b>17</b>
<b>PART D – PERMITS, TEMPORARY USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATION</b>	
23. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits)	<b>19</b>
24. Gaming Machine Permits in premises licensed for the sale of alcohol	<b>19</b>
25. Prize Gaming Permits – Statement of Principles on Permits	<b>20</b>
26. Club Gaming and Club Machine Permits	<b>21</b>
27. Temporary use Notices	<b>21</b>
28. Occasional Use Notices (for tracks)	<b>22</b>
29. Small Society Lottery Registrations	<b>22</b>
<b>PART E – ENFORCEMENT</b>	
30. Enforcement Principles	<b>23</b>
31. Reviews	<b>23</b>
APPENDIX 1 – LOCAL RISK ASSESSMENT TEMPLATE	<b>25</b>
APPENDIX 2 – LOCAL AREA MAP	<b>27</b>

## **PART A – THE GAMBLING ACT 2005**

### **1. Introduction**

1.2 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  
Regulatory Services  
Castle House  
Barracks Road  
Newcastle-under-Lyme  
ST5 1BL  
or via email: [licensing@newcastle-staffs.gov.uk](mailto:licensing@newcastle-staffs.gov.uk)  
tel: 01782 717717

1.4 The consultation took place between 8<sup>th</sup> August 2024 and 19<sup>th</sup> September 2024 and followed the Government's Consultation Principles updated in March 2018. This document is available from the [www.gov.uk](http://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 20<sup>th</sup> November 2024.

## **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 carry out its functions in relation to the licensing objectives can be found 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 April 2024.

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 129,610. 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](http://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***

**It is the Council's view that the mandatory and default conditions imposed by the Act are intended to be, and usually are, sufficient to ensure consistency with the licensing objectives and additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives which is not adequately addressed by the applicant's local risk assessment.**

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.

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 Disclosure & Barring Service (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 is a 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** 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

20.4 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

20.5 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

20.6 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.

**20.7 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

**20.8** 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

**20.9 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/directory-record/28/environmental-health-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.

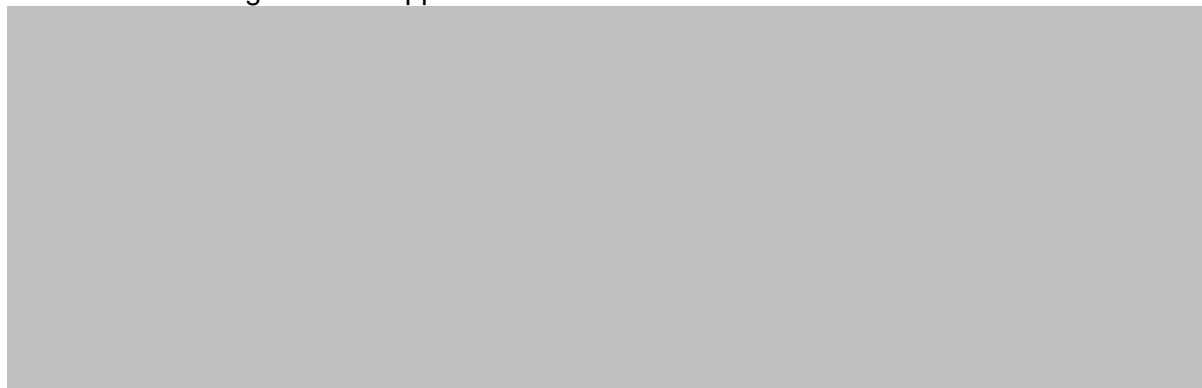
**APPENDIX 1 - Licensing Authority's Guidance to Operators with Regards to Local Area Risk Assessments - SAMPLE**

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

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:

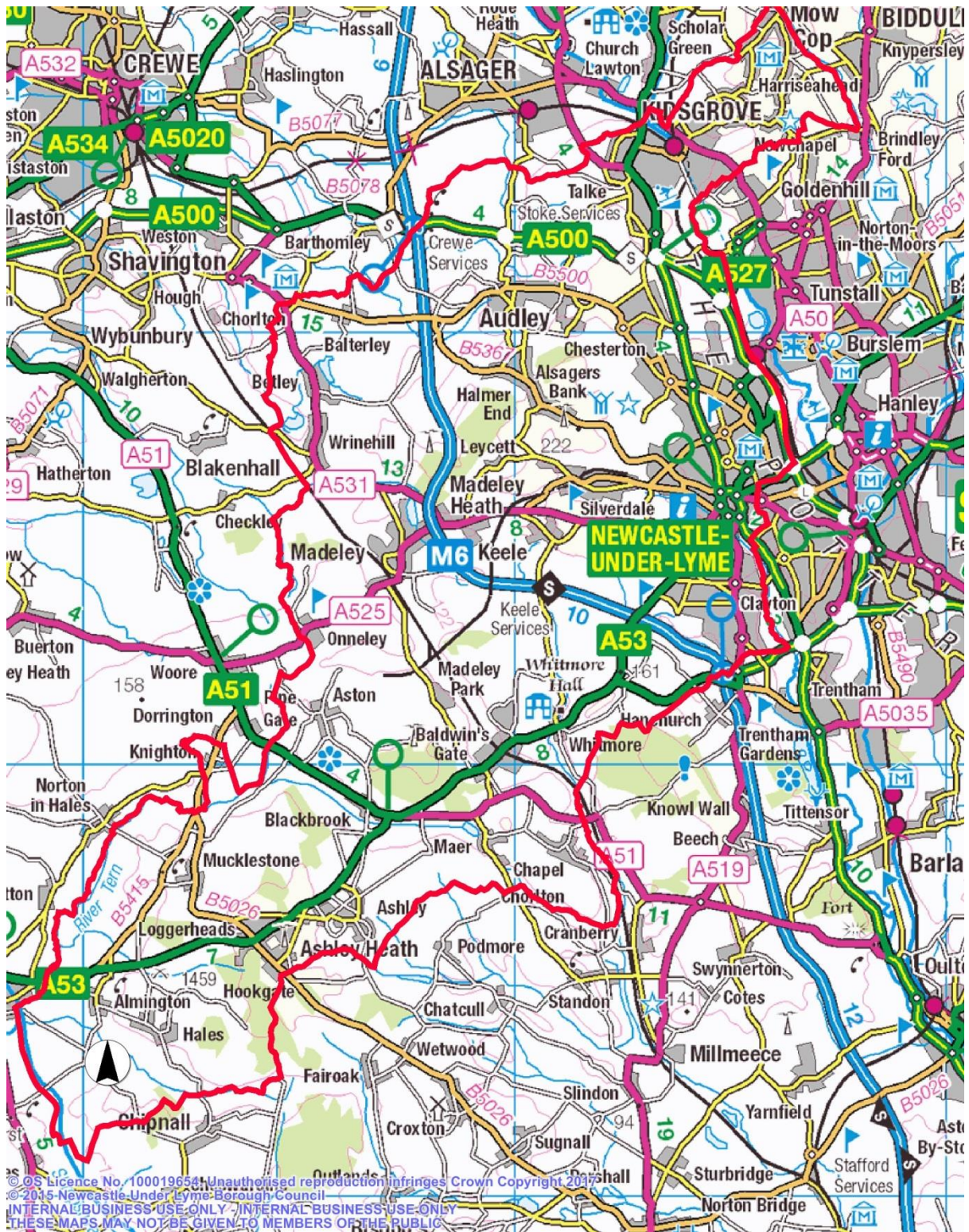
**ACTIONS FOLLOWING ASSESSMENT**

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

<b>Signed:</b>	<b>Date:</b>
<b>PRINT NAME:</b>	

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



This page is intentionally left blank

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM’S REPORT TO COUNCIL**

**20 November 2024**

**Report Title:** Proposed Animal Welfare Charter

**Submitted by:** Service Director – Neighbourhood Delivery

**Portfolios:** Sustainable Environment

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To seek the approval of Council to adopt an Animal Welfare Charter for Newcastle under-Lyme.	
<b><u>Recommendation</u></b>	
That Council:-	
<ol style="list-style-type: none"> <li>1. Approves and adopt the Animal Welfare Charter, subject to any further amendments, noting the comments from the Health Wellbeing and Environment Scrutiny Committee and Cabinet.</li> <li>2. Authorises officers to canvass other local authorities to establish the appetite for collectively writing to the UK Government urging a ban on the giving of live animals as prizes on public and private land.</li> </ol>	
<b><u>Reasons</u></b>	
To reiterate the commitment to animal welfare in the Borough, in relation to the scope of the Council’s powers and duties in this area of work.	

**1. Background**

- 1.1 At the meeting of Full Council on 24<sup>th</sup> January 2024, a motion was passed to:
- Ban outright the giving of live animals as prizes, in any form, on Newcastle-under-Lyme Borough Council land
  - Develop an Animal Welfare Charter for Newcastle-under- Lyme

- Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land
- 1.2 While to the Council's knowledge there are no current examples of giving live animals as prizes on Borough Council land, an Animal Welfare Charter would reiterate and emphasise the Council's position on this matter.
  - 1.3 Therefore, a draft Animal Welfare Charter has been prepared, based on the scope of the Council's powers and duties in this area of work and on good practice gleaned from other Local Authorities.
  - 1.4 It is important to acknowledge the limit of the Council's powers and duties with regard to animal welfare issues, and to recognise that other partner organisations play a significant role in dealing with these matters eg the police and the RSPCA, especially in relation to instances of animal cruelty or neglect.
  - 1.5 The Health Wellbeing and Environment Scrutiny Committee considered the draft Animal Welfare Charter at the meeting of 16<sup>th</sup> September 2024 and resolved to approve the draft as presented for forwarding to Cabinet and Full Council. The committee also resolved to request Cabinet to authorise officers to canvas other local authorities in the region to establish whether there is an appetite to collectively write to the UK government urging a ban on the giving of live animals as prizes.
  - 1.6 Cabinet considered the draft Animal Welfare Charter at its meeting of 15<sup>th</sup> October 2024 and resolved to approve the draft for forwarding to Full Council for adoption, subject to any further amendments. Cabinet also resolved to authorise officers to canvas other local authorities to establish the appetite for collectively writing to the UK Government urging a ban on the giving of live animals as prizes on public and private land.

## 2. **Issues**

- 2.1 The proposed Animal Welfare Charter is attached to this report at Appendix 1 and the Council is invited to approve the draft and make suggestions for any further amendments.
- 2.2 If the Council is satisfied with the draft, it is proposed that it is approved and adopted.
- 2.3 The Council is also requested to authorise officers to canvas other Staffordshire local authorities, to determine appetite for a collective letter to the UK Government, urging a ban on the giving of live animals as prizes on all public and private land.

## 3. **Recommendation**



1. **Approve and adopt the Animal Welfare Charter, subject to any further amendments, noting the comments from the Health, Wellbeing and Environment Committee and Cabinet.**
2. **Authorise officers to canvass other local authorities to establish the appetite for collectively writing to the UK Government urging a ban on the giving of live animals as prizes on public and private land.**
4. **Reasons**
  - 4.1 To reiterate the commitment to animal welfare in the Borough, in relation to the scope of the Council's powers and duties in this area of work.
5. **Options Considered**
  - 5.1 No other options were considered.
6. **Legal and Statutory Implications**
  - 6.1 The Council, the Police and other agencies play an operational role in animal welfare via licencing and enforcement powers and duties.
7. **Equality Impact Assessment**
  - 7.1 N/A.
8. **Financial and Resource Implications**
  - 8.1 There are no additional financial or resource implications directly relating to this report.
9. **Major Risks & Mitigation**
  - 9.1 There are no major risks relating to this report.
10. **UN Sustainable Development Goals (UNSDG)**
  - 10.1 The proposal contributes towards the UNSDGs
11. **Key Decision Information**
  - 11.1 Not applicable.
12. **Earlier Cabinet/Committee Resolutions**
  - 12.1 Health, Wellbeing and Environment Committee – 16<sup>th</sup> September 2024.

12.2 Cabinet – 15<sup>th</sup> October 2024

**13 List of Appendices**

13.1 Appendix 1: Draft Animal Welfare Charter for Newcastle-under-Lyme

**14 Background Papers**

14.1 None

# Animal Welfare Charter

September 2024



# Foreword

Page 60

As a nation we are rightly proud of our reputation for being animal lovers and, I believe that the people of Newcastle-under-Lyme are no exception to this. We all want to ensure that animals' welfare is protected whether they are a beloved pet dog or cat or part of our local wildlife.

Despite this we all know that occasionally whether through ignorance, carelessness or neglect that the high standards of animal welfare we expect are not met. This is why we are introducing the Newcastle-under-Lyme Animal Welfare Charter.

This Charter demonstrates our commitment and aspirations in protecting and promoting the welfare of animals. It covers issues including the use of pesticides, angling and from pet ownership to exotic animals.

I welcome the introduction of this new Charter and look forward to working with residents to develop it further over time to meet our goal that no animal should suffer needlessly in Newcastle-under-Lyme.



**Councillor David Hutchison**  
Portfolio Holder for Sustainable Environment



# Contents

Introduction	4
Licensing of Activities Involving Animals	6
Stray Dog Services	7
Contingency and Emergency Planning	8
Council Land Use	8
Wildlife, Pests and the Use of Pesticides	9
Angling	10
Promoting Responsible Pet Ownership	11
Equine Welfare	11
Dangerous Wild Animals and Exotics	12



# Introduction

Newcastle Borough Council has produced this Animal Welfare Charter to demonstrate our commitment to protecting and promoting the welfare of all animals and we aim to reflect the concerns of local people who care about animal welfare. The Council hopes that in adopting this charter, it will itself, and inspire others to, contribute directly and indirectly to creating a world where all animals are respected and treated with kindness and compassion.

This Charter has been adopted from the RSPCA's charter which has been developed with respect to existing animal welfare legislation, notably the Animal Welfare Act 2006 and Environmental Protection Act 1990, including secondary legislation such as the Licensing of Activities Involving Animals (England) Regulations 2018.

We recognise animals as sentient beings who have a right to a life free from cruel treatment and unnecessary suffering and, as a matter of good practice, will take these factors into account when developing policy.

The Council takes its duties and responsibilities as stipulated in animal welfare legislation seriously and is committed to ensuring legislation is effectively enforced, including working collaboratively and in good faith with partner agencies and organisations when necessary and appropriate.

The Council recognises and appreciates the significant benefits animal ownership can have on people's physical and mental health and wellbeing. The Council equally considers that itself and other people have a duty of care towards animals, whether in their ownership or not, and must provide for their five basic welfare needs:

- The need for a suitable environment
- The need for a suitable diet
- The need to be able to exhibit normal behaviour patterns
- The need to be housed with, or apart from, other animals
- The need to be protected from pain, suffering, injury and disease

We will factor in the basic animal welfare needs when exercising our statutory powers in relation to animal health and welfare matters. This includes the policy development process and recognises our moral responsibilities for directly and indirectly protecting and promoting the welfare of companion, farm and wild animals. As such, the Council is committed to:

- Proactive, proportionate and effective use of its enforcement powers in relation to animal welfare, including working collaboratively with partner agencies and organisations when necessary and exploring other enforcement models that will improve efficacy and animal welfare.
- Educating and raising awareness of animal welfare issues and responsibilities through community engagement events, campaigns and digital communications.
- Seeking to inspire and influence decision makers, community and business leaders and anyone else who could have an impact on animal welfare, to properly consider and value animal welfare.
- The Council will regularly review and update this Local Authority Animal Welfare Charter to reflect changes in national legislation, public opinion and local and national circumstances.
- The Council will ensure this Local Authority Animal Welfare Charter is publicly available and easily accessible to all members of the public by producing and publishing a digital version on the Council's website, including sharing a copy with appropriate public-facing organisations in the area (such as Citizens Advice bureaus).



# Licensing of Activities Involving Animals

Newcastle Borough Council has a statutory duty to license premises and establishments that carry out activities involving animals, including but not limited to pet shops, dog breeding establishments, boarding establishments, animal exhibitions and riding establishments. We will take our statutory responsibilities under the Licensing of Activities Involving Animals (England) Regulations 2018 seriously and are committed to enforcing the legislation to the best of our ability to maximise compliance and reduce animal cruelty and neglect.

We will publish how we carry out our statutory duties in relation to animal activity licensing and in addition we will ensure information is made available and is easily accessible by members of the public. There will be a clear process for members of the public to lodge formal complaints and concerns about licensing and suspected un-licensed activities involving animals. The Council will ensure all formal complaints and concerns are logged internally, in accordance with relevant data protection legislation.

The Council will aim to publish and maintain a publicly available list of licensed establishments, including star ratings.

The Council will work particularly closely with pet vendors and breeding establishments.



# Stray Dog Services

Newcastle Borough Council has a statutory responsibility as stipulated by Section 149 of the Environmental Protection Act 1990 and the Environmental Protection (Stray Dogs) Regulations 1992, to seize and detain stray dogs within the jurisdiction of the Council. The Council defines a stray dog as any dog that is in a public place and not under the charge of a keeper.

The Council considers the welfare of stray dogs, and indeed officers and the community, to be of the utmost importance and, in the process of all activities involved in carrying out stray dog functions, that the welfare needs of dogs are met and officers and the community are protected from harm. Kennels and/or boarding establishments used in the process of carrying out our stray dog function will be licensed by the appropriate authority and have clear facilities, protocols and procedures to meet the animals' welfare needs as defined by the Animal Welfare Act 2006.

We are committed to returning stray dogs to their owner, The City Dogs Home will take all steps available to identify and contact the owner(s) of a stray dog to arrange for swift collection.

The Council will undertake regular proactive work to encourage responsible pet ownership, which may include (but not limited to) public awareness campaigns and events on a range of issues, such as microchipping, neutering, dogs in warm weather, fireworks and responsible dog ownership.



# Contingency and Emergency Planning

Newcastle Borough Council recognises and is committed to its responsibilities related to the Civil Contingencies Act 2005 and subsequent secondary legislation.

We recognise our responsibility to consider animals, including companion animals, farm animals and wildlife, as part of our contingency and resilience plans.

## Council Land Use

Newcastle Borough Council is committed to prohibiting activities with the potential to harm animals or wildlife from taking place on its land. We will not allow hunting (including trail-hunting or other related activities) on our land. The Council recognises that it may also be required to enforce statutory powers related to pest control. In such circumstances, the Council will only treat pest species where they represent a public health risk to the health or wellbeing of the local community and where necessary will seek to use the most humane and least toxic methods possible.

We will not let our land be used by circuses or other similar enterprises where cages or performing animals are used and we prohibit the exchange of live animals as prizes being undertaken on any council-owned land.

The Animal Welfare Act 2006 made it an offence for any animal to be sold or given as a prize to anyone under the age of 16 years. The Council does not support the provision of live animals, including fish, as prizes, in any of the Council's facilities. Premises or land. The Council encourages other private premises or landowners to follow its lead.

We will seek to deter the public from engaging in activities on council land which are known to have a detrimental effect on wildlife habitats.

# Wildlife, Pests and the Use of Pesticides

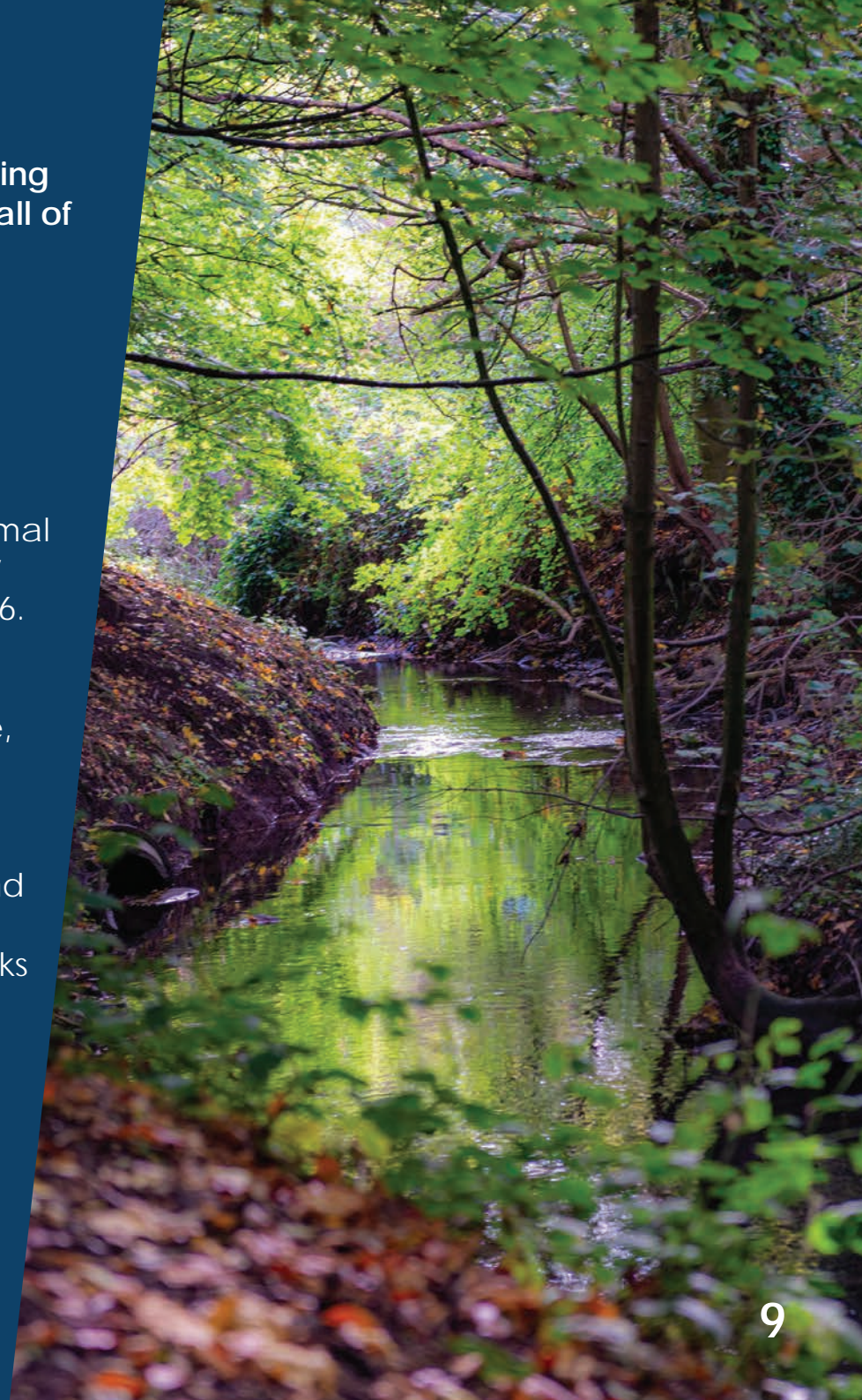
Newcastle Borough Council is committed to protecting and promoting the environment, wildlife, biodiversity and habitats, which includes all of our waterways, lakes, rivers and streams and ponds.

We are committed to making minimum use of pesticides in all council-controlled public open spaces and we encourage the introduction of wildlife and fauna into these areas by sympathetic management.

If chemicals must be used, we will use a type that would have minimal effect on the environment and wildlife and is on the "approved list" published by Defra under the Control of Pesticides Regulations 1986.

The Council will ensure that, where practicable, hedgerows and roadside banks under council control will be managed to conserve, enhance and create safe habitats for birds and animals during the breeding season and encourage the growth of wildflowers.

We recognise that changes to the natural environment through land use changes or new developments can directly or indirectly affect wild animals and their habitats. Our local planning policy frameworks including the emerging Newcastle Under Lyme Borough Local Plan require developers to consider the potential impacts of their proposals and appropriately mitigate the risks of harming existing wildlife and habitats. Furthermore in line with legislation and national policy on Biodiversity Net Gain developers have a duty on qualifying sites to create opportunities for new and additional flora and fauna.



# Ethical Fishing Guidelines

Newcastle Borough Council encourages those who fish in Council-controlled waters or from council-controlled land to adopt the following code of practice based on the RSPCA's Medway Report. The key points being:

- The use of double and treble hooks should be kept to a minimum and avoided entirely when the intention is to return the catch alive to the water.
- Fish intended for food should be killed humanely.
- Unhooking a fish humanely and safely is one of the most important skills for an angler to learn. All anglers should be equipped with disgorgers and unhooking mats and be properly trained in their use.
- Employment of the pike-gag should take fully into account the size of the fish for which it is used.
- Barbless hooks should be favoured.
- Holding periods in keep-nets should be as brief as possible

The Council considers the safe disposal of fishing tackle as essential; this is to prevent injury to both domestic and wild animals. All anglers are asked to ensure that they comply with national and regional bylaws relating to angling. Details of this legislation can be found by contacting the Environment Agency.



# Promoting Responsible Pet Ownership

Newcastle Borough Council recognises that many animals in the UK still suffer neglect and cruelty and feels it is right that measures be taken to reduce animal cruelty, abuse and neglect and protect and promote their welfare. We have a vital role in promoting responsible pet ownership as one means to reduce animal cruelty, abuse and neglect.

The Council considers that a pet should only be purchased once the prospective purchaser has the necessary equipment, facilities, time, financial means, level of interest and expertise to properly care for the animal and their welfare needs and understand the responsibilities entailed with ownership of the pet. Some homes are unsuitable for the keeping of certain pets and some personal circumstances could mean that adequate provision for pets is difficult if not impossible. We will encourage owners to ensure that their pets have sufficient space to avoid distress or suffering and discourage leaving animals unattended for an extended period at home during the day. We believe animals should never be left unattended in motor vehicles, especially in warm weather and we will deliver public awareness campaigns and events to promote responsible pet ownership during warm weather. The Council will encourage and support the re-homing of rescued animals from recognised societies and establishments. Equally, we will support and promote fostering and re-homing schemes of animal welfare charities.

The Council does not approve of breeding animals for producing changes in bodily form, and/or function, which is detrimental to their health or quality of life.



# Equine Welfare

Page 20

In line with the RSPCA, the Council does not oppose an animal being tethered for short periods e.g. for grooming, cleaning out stables, having a short break in a journey or working period or in a field whilst boundary fencing is being installed or repaired. The Council would remind owners that a tethered horse requires adequate feed and must have water.

Newcastle Borough Council supports the introduction of the Horse Passports Regulations (England) 2004 and the Protection Against Cruel Tethering Act 1988 and will not allow the long-term tethering of horses or ponies, in an open environment, on any land owned or managed by the Council.

## Dangerous Wild Animals and Exotics

**Newcastle Borough Council enforces the Dangerous Wild Animals Act 1976.**

Anyone keeping animals listed on the schedule should be licensed, have specialist knowledge and seek professional advice on the care of the animals.

Anyone selling an animal listed on the schedule must ensure that the buyer has the required licence.

The Council encourages the Government to continue to periodically review the animals listed on the schedule of Dangerous Wild Animals and supports the rigorous enforcement of the legislation.