

# Public Document Pack

**Date of meeting** Tuesday, 21st March, 2023  
**Time** 7.00 pm  
**Venue** Astley Room - Castle  
**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

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

## Licensing & Public Protection Committee

### AGENDA

#### PART 1 – OPEN AGENDA

#### LICENSING COMMITTEE

- 1 APOLOGIES
- 2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS  
To receive declarations of interest from Members on items contained within the agenda
- 3 MINUTES OF A PREVIOUS MEETING (Pages 3 - 6)

#### PUBLIC PROTECTION COMMITTEE

- 4 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS  
To receive declarations of interest from Members on items contained within the agenda
- 5 PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2023/2024 (Pages 7 - 12)
- 6 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 13 - 18)  
To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.
- 7 URGENT BUSINESS

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

## 8 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

**Members:** Councillors Parker (Chair), Whieldon (Vice-Chair), S White, Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams and Brown

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

**Meeting Quorums :-** Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

### **SUBSTITUTE MEMBER SCHEME** (Section B5 – Rule 2 of Constitution)

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

Substitute Members:	Hutchison	Beeston
	Panter	Fox-Hewitt
	Johnson	D Jones
	J Tagg	Richards
	J Waring	Stubbs
	Burnett	

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

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

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

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

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# Agenda Item 3

*Licensing & Public Protection Committee - 17/01/23*

## LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 17th January, 2023  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

<b>Present:</b>	Councillor Andrew Parker (Chair)		
<b>Councillors:</b>	Whieldon Barker MBE Heesom Sweeney	Wilkes Skelding Adcock Dymond	Allport J Williams G Williams Brown
<b>Apologies:</b>	Councillor(s) S White and Wright		
<b>Substitutes:</b>	Councillor Wendy Brockie		
<b>Officers:</b>	Matthew Burton  Geoff Durham  Anne-Marie Pollard Gillian Taylor Michelle Hopper	Licensing Administration Team Manager Mayor's Secretary / Member Support Officer Solicitor Housing Manager Senior Partnerships Officer	

### 1. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

### 2. **MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the Minutes of the meeting held on 13 December, 2022 be agreed as a correct record.

### 3. **RELAXATION OF LICENSING HOURS FOR HIS MAJESTY THE KING'S CORONATION - LICENSING ACT 2003 CONSULTATION**

Members considered a report which informed them of a consultation from the Home Office seeking to allow certain licensed premises to extend their opening hours during the weekend of His Majesty the King's Coronation in May.

The consultation included seven questions, outlined at paragraph 2.4 of the report.

**Resolved:** That the report be noted and the consultation response be supported.

[Watch the debate here](#)

**4. UPDATING OF SECTION 182 GUIDANCE TO MAKE REFERENCE TO SPIKING - LICENSING ACT 2003 CONSULTATION**

Members considered a report which informed them of a consultation by the Home Office seeking opinion as to whether the Section 182 guidance should be amended to include references to spiking in licensed premises.

The consultation period had ended and a response had been submitted, in consultation with the Chair and Portfolio Holder. The questions and responses were outlined in paragraph 2.4 of the report.

It was asked who would provide and certify the safeguarding training. Nothing had been set as yet but the most sensible approach would be for a national course to be set up with approved providers.

It was queried whether the Council would receive government funding to help to police the enforcement of this. In addition, what would happen to premises if they were found to have persistent spiking offences committed. As this was currently just a proposal that had been consulted upon, there had been no discussions regarding funding. Regarding enforcement, this could be carried out by council officers or police, depending upon the seriousness of the matter.

**Resolved:** That the report be noted and the consultation response be submitted.

[Watch the debate here](#)

**5. MINUTES OF LICENSING SUB COMMITTEE MEETINGS**

**Resolved:** That the Minutes of the meetings held on 21<sup>st</sup> December, 2022 be received.

**6. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

**7. PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE**

Members considered a report which provided a draft copy of a Public Space Protection Order (PSPO) for Newcastle-under-Lyme, specifically for gated public rights of way. The report sought approval to carry out a six week public consultation.

The PSPO would cover Beattie Avenue, Cross Heath, High Street, Newchapel and off Church Lane, Wolstanton.

It was asked if, once these areas had been audited and PSPO's produced, other areas would be looked at. The order was specifically looking at public rights of way as defined by Staffordshire County Council so there was scope to look at other areas by considering the evidence and cost implications.

It was queried as to what form the consultation would take. It would predominantly be an online consultation but letters would also be sent out to all residents.

It was stated that the ward Councillors had not been invited to the meeting regarding Beattie Avenue. This had been an oversight and apologies were given. The Chair requested that, for future projects, ward Councillors be invited to any meetings.

A query was raised regarding vehicles using public rights of way and that there were certain types of gates that could stop quadbikes, motorcycles entering certain areas. There were gates that could achieve this although if it was a bridleway as well as public right of way, if a horse could pass through then motorcycles could too.

**Resolved:** That officers be authorised to initiate a public consultation for a proposed PSPO for the Borough of Newcastle-under-Lyme.

[Watch the debate here](#)

**8. PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE**

Members considered a report regarding a consultation that had taken place on two Public Space Protection Orders (PSPO's) for Newcastle Town Centre and Queen Elizabeth Park.

Since the previous meeting of this Committee, a further consultation had taken place and the results were included at appendix 3.

It was asked whether there would be a programme to look at other areas to apply PSPO's. PSPO's were only one of the measures that could be used to address anti-social behaviour. However, displacement issues did need to be considered.

It was queried whether more people were required to go out and enforce the areas. Enforcement would be a partnership approach with the police and the Council's new Mobile Multi-Functional Team.

**Resolved:** That the PSPO's for Newcastle Town Centre and Queen Elizabeth Park be adopted in line with the constitutional arrangements.

[Watch the debate here](#)

**9. UPDATE ON RESULTS OF TAXI LICENSING APPEALS**

Members considered a report giving an update on all Taxi Licensing appeals that had been considered since last reported to this Committee.

There had been two Magistrate's Court appeals, one of which had been adjourned several times and was now relisted for 17<sup>th</sup> April, 2023. The second one was dismissed and was now awaiting an appeal date to be set for the Crown Court.

There had been four Crown Court appeals, three of which were adjourned and the fourth one had been withdrawn.

**Resolved:** That the report be noted.

[Watch the debate here](#)

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

**Licensing & Public Protection Committee - 17/01/23**

**Resolved:** That the Minutes of the meetings held on 14 December, 2022 be received.

**11. URGENT BUSINESS**

There was no urgent business.

**12. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

**Councillor Andrew Parker  
Chair**

Meeting concluded at 8.07 pm

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
21 March 2023**

**Report Title:** Private Hire & Hackney Carriage Fees & Charges 2023/2024

**Submitted by:** Head of Regulatory Services & Licensing Administration Team Manager

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

**Ward(s) affected:** All

**Purpose of the Report**

To request that Public Protection Committee considers the proposed taxi and private hire fees, following consultation, as referred to in the report.

**Recommendation**

**That Public Protection Committee approves the proposed taxi and private hire fees for 2023/24**

**Reasons**

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

**1. Background**

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

**2. Issues**

- 2.1 A report was presented to Public Protection Committee on 13<sup>th</sup> December 2022 in respect of the proposed fees and charges for Private Hire and Hackney carriage driver, vehicle and operator fees and charges for 2023/24. The committee discussed the proposed fees and charges and recommended that they should be advertised and a period of consultation undertaken in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 before being determined.
- 2.2 The advertisement was placed in the Sentinel newspaper on 16<sup>th</sup> December 2022 and copies placed at Castle House and Kidsgrove Town Hall. The consultation period ran from 16<sup>th</sup> December 2022 until 13<sup>th</sup> January 2023. A copy of the consultation paperwork was emailed to trade representatives on 22<sup>nd</sup> December 2022 including private hire operators, vehicle hire companies, the hackney carriage trade association and a local licensing consultant.
- 2.3 Within the consultation period there were no responses received from any consultee or third party.

2.4 The Committee report dated 13<sup>th</sup> December 2022 at paragraph 2.4 explained the reasons behind the proposed increase in certain fees and also highlighted that the overall cost for new and renewal driver applications would be reduced.

### 3 Proposal

3.1 The proposed fees and charges for 2023-24 are in column d in the table below:

a	b	c	d
Private Hire/Hackney Carriage (subject to consultation)	Fee/Charge 2022-23 (£)	Proposed Fee/Charge 2023-24 (£)	% Change
<b><u>OPERATORS</u></b>			
PHO Application fee	£267.00	£289.00	8%
Add/Remove Director	£41.00	£44.00	7%
Copy/Replacement Licence	£7.00	£8.00	14%
Basic DBS	£23.00 (set by DBS)	£18.00 (set by DBS)	-
<b><u>DRIVERS</u></b>			
Dual Driver Badge - 3 years	£273.00	£275.00	1%
Change of address	£17.00	£18.00	6%
Replacement badge	£13.00	£15.00	15%
Replacement vehicle badge	£13.00	£15.00	15%
Reissue/replacement badge (with amended details)	£29.00	£31.00	7%
DBS (CRB check)	£40.00 (set by DBS)	£38.00 (set by DBS)	-
DBS (CRB check) online	£60.34 (set by DBS and provider)	£64.34	-
Exemption certificates	£13.00	£15.00	15%
Knowledge test	£25.00	£20.00	-20%
Fail to attend Knowledge Test	£25.00	£20.00	-20%
Change of Name	£18.00	£21.00	17%
Replacement vehicle badge holder	£5.00	£6.00	20%
DE Training replacement cert	£0.00 (met by provider)	£0.00	0%
Copy of Paper Licence	£7.00	£8.00	14%
NEW Joint Disability and Safeguarding Training	N/A	£40+VAT	NEW
<b><u>VEHICLES</u></b>			
Transfer of vehicle	£41.00	£44.00	7%
Change of vehicle registration	£47.00	£50.00	6%
Failure to attend for vehicle test	£66.00	£74.00	12%
Retest	£30.00	£33.00	10%
Replacement plate carrier – front	£9.00	£10.00	11%
Replacement plate carrier – rear	£11.00	£12.00	9%



Replacement vehicle plate - front	£8.00	£9.00	13%
Replacement vehicle plate - rear	£10.00	£11.00	10%
Replacement vehicle sticker signage	£5.00	£6.00	20%
Copy of paper part of licence	£7.00	£8.00	14%
Change of Vehicle Colour	£47.00	£50.00	6%
HCV test	£70.00	£79.00	13%
HCV test 10yrs+	£70.00	£79.00	13%
PHV test	£70.00	£79.00	13%
PHV test 10yrs+	£70.00	£79.00	13%
HCV application fee	£234.00	£242.00	3%
PHV application fee	£231.00	£238.00	3%
Basic DBS	£23.00 (set by DBS)	£18.00 (set by DBS)	-
Change of Name/Address	£41.00	£44.00	7%
Spot check	£19.00	£22.00	16%
Replacement Internal Plate	£7.00	£8.00	14%

3.2 The recommendation is that the proposed fees be approved for 2023/24

#### **Reasons for Proposed Solution**

4. 4.1 The Council is required to set fees for private hire and hackney carriage licenses for 2023/2024.

#### **Options Considered**

- 5.1 The Council is required to set fees for private hire and hackney carriage licenses for 2023/2024. The fees proposed are based on cost recovery.

#### **Legal and Statutory Implications**

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 70) provides provision for the setting of fees and charges in relation to Operator and Vehicle licence fees. The fees are to be reasonable costs for carrying out the granting and renewal of licenses, costs for providing Hackney Carriage stands and costs relating to control and supervision of such vehicles.
- 6.2 The Act also specifies a maximum amount for the activities of £25 and should the costs exceed this then the Act defines a process of advertising and dealing with any objections made in relation to proposed fees.
- 6.3 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 53(2)) states that in relation to driver licence fees, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, a fee as they consider reasonable. With a view to recovering the costs of issue and administration.
- 6.4 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators to establish a standard duration of three years for

hackney carriage and private hire driver licences and five years for a private hire operator licence.

6.5 The European Services Directive states (Art 12.2) *“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”*. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

6.6 In December 2019 the Court of Appeal in the case *“R (on the application of Abdul Rehman, on behalf of the Wakefield District Hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166”* confirmed, that there is no general principle that the taxi licensing fee regime should be self-financing. Also that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) of the 1976 Act.

## 7. **Equality Impact Assessment**

7.1 There are no identified equality implications arising from the content of the report.

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

8.1 There are a number of factors involved in setting a fees and charges, which have financial and resource implications, such as:

- The number of licenses issues in the forthcoming year – A review of recent trends and licenses due for renewal are used to inform this element
- The resources required delivering these activities – The number of licenses and resources required to deliver these are intrinsically linked.
- The processes and procedures completed in issuing and renewing licenses – The processes are regularly reviewed and updated, many applications are now through on-line applications.
- The Councils Taxi policy requirements and standards – This sets the foundations for the taxi licensing and influences the above points.

8.2 There is also provision within the regime that Private Hire drivers and vehicles can be licensed by other Local Authorities – Over the past years there has been a reduction in the number of both driver licenses and vehicle licenses issued by the Council.

8.3 There will be financial and resource implications for the Council if full cost recovery is not achieved.

## 9. **Major Risks**

9.1 The Council may be open to challenge should the calculation of the fees and charges prove to be contrary to the Act. The best practice guidance is followed in setting the fees and charges in order to mitigate such risk.

9.2 Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

Again, best practice is followed in order to mitigate against such risk.

9.3 The financial and resource implications are also considered to be risks, should the estimates be incorrect or change within the forthcoming year, these elements and controls are discussed in section 8 of this report.

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

10.1 The following goals are relevant:



## 11. **Key Decision Information**

11.1 Not applicable

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 Public Protection report 13<sup>th</sup> December 2022

12.2 Cabinet approval on 10<sup>th</sup> January 2023

## 13. **List of Appendices**

13.1 None

## 14. **Background Papers**

14.1 LGA Guidance on Local Fee Setting

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**Public Protection Sub-Committee - 18/01/23**

After very careful consideration of information from the Council's Licensing Officer and representations from the applicant and their representative, the Sub-Committee agreed as follows:

**Resolved:** That the application for a Dual Hackney Carriage and Private Hire Driver's licence be refused.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 4**

The Sub Committee considered a new application for a Private Hire Operator Licence which had revealed convictions that fell within the Council's Licensing Policy.

After very careful consideration of information from the Council's Licensing Officer and representations from the applicant and their representative, the Sub-Committee agreed as follows:

**Resolved:** that the application for a Private Hire Operator Licence be granted.

**7. URGENT BUSINESS**

There was no urgent business.

**Councillor Stephen Sweeney  
Chair**

Meeting concluded at 5.05 pm

**PUBLIC PROTECTION SUB-COMMITTEE**

Wednesday, 8th February, 2023  
Time of Commencement: 6.00 pm

**Present:** Councillor Andrew Parker (Chair)

Councillors: Sweeney J Williams

Officers: Julie Moore Licensing Officer  
Anne-Marie Pollard Solicitor  
Melanie Steadman Licensing Officer

1. **DECLARATIONS OF INTEREST**

2. **DISCLOSURE OF EXEMPT INFORMATION**

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

3. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 1**

The driver asked if this item could be deferred to the next meeting as the legal representative was unable to attend.

**Resolved:** That the item be deferred to 8th March meeting.

4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 2**

The driver was not in attendance and therefore Members agreed to defer this item to the next meeting as the legal representative was also unable to attend.

**Resolved:** That the item be deferred to 8th March meeting.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 3**

The driver asked if this item could be deferred to the next meeting as the legal representative was unable to attend.

Members agreed that this item would be heard at the next meeting, even if the driver and legal representative were unable to attend as this was the second time that it had been deferred and was a serious matter.

***Public Protection Sub-Committee - 08/02/23***

**Resolved:** That the item be deferred to 8th March meeting and be heard with or without the driver/legal representative in attendance.

**6. URGENT BUSINESS**

There was no urgent business.

**Councillor Andrew Parker  
Chair**

Meeting concluded at 6.30 pm





**Public Protection Sub-Committee - 08/03/23**

**Resolved:** That the Dual Driver's licence be revoked.

6. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 3**

The Sub Committee considered a relevant matter which fell outside of Council Policy.

After very careful consideration of information from the Council's Licensing Officer and representations from the applicant, the Sub-Committee agreed as follows:

**Resolved:** That the Dual Driver's licence be revoked.

7. **URGENT BUSINESS**

There was no urgent business.

**Councillor Jacqueline Brown  
Chair**

Meeting concluded at 5.20 pm