

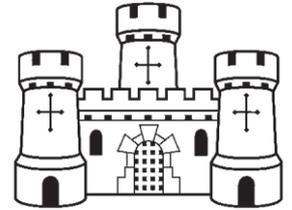
Public Document Pack

Date of meeting Wednesday, 10th May, 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 5 - 6)
- 4 LICENSING ACT 2003: REGULATORY EASEMENTS CONSULTATION (Pages 7 - 32)
- 5 MINUTES OF LICENSING SUB COMMITTEE MEETINGS (Pages 33 - 34)
To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing and Public Protection Committee.

PUBLIC PROTECTION COMMITTEE

- 6 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS
To receive declarations of interest from Members on items contained within the agenda

- 7 **TAXI AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022** (Pages 35 - 38)
- 8 **UPDATE ON RESULTS OF TAXI LICENSING APPEALS** (Pages 39 - 42)
- 9 **PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE** (Pages 43 - 62)
- 10 **PUBLIC SPACE PROTECTION ORDERS: PARKS AND OPEN SPACES** (Pages 63 - 76)
- 11 **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.

12 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) 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	Brockie
	Panter	Beeston
	Johnson	Fox-Hewitt
	J Tagg	D Jones
	J Waring	Richards
	Burnett	Stubbs

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.

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

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Agenda Item 3

Licensing & Public Protection Committee - 21/03/23

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 21st March, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Andrew Parker (Chair)

Councillors:	Whieldon	Wilkes	J Williams
	S White	Adcock	G Williams
	Barker MBE	Dymond	Brown
	Heesom	Allport	

Apologies: Councillor(s) Sweeney, Skelding and Wright

Substitutes: Councillor David Hutchison
Councillor Barry Panter
Councillor Wendy Brockie (In place of Councillor Ruth Wright)

Officers: Nesta Barker Service Director - Regulatory Services

Also in attendance:

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

There were no declarations of interest stated.

3. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on the 17th January 2023 be agreed as a correct record.

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

There were no declarations of interest stated.

5. **PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2023/2024**

Members considered a report on the proposed taxi and private hire fees for 2023/24. It was agreed in December 2022 that the fees would be subject to a public consultation which was subsequently carried out. No responses were received and therefore the table was the same as the one previously submitted.

Licensing & Public Protection Committee - 21/03/23

The Regulatory Services Director presented the report and responded to questions from members as detailed hereunder:

- Was the taxi drivers association still active? – Every private hire would be associated with a private hire operator and yes the Hackney Carriage Trade Association was still in existence and had been contacted by officers however no responses were received.
- Two of the charges appeared to have decreased by 20%, why was that? – External equipment was previously bought and included in the price, as this was now paid off the costs had been reduced accordingly.
- Was it correct to say that as it was not a profit making operation the small increases and reductions were appearing as a result of aiming to break even? – Yes, reductions could be brought for example when a training moves online.

Resolved: That the proposed taxi and private hire fees for 2023/24 be approved.

[Watch the debate here](#)

6. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the minutes of the Public Protection Sub-Committee meetings held on 18th January, 8th February and 8th March 2023 be received.

7. URGENT BUSINESS

There was no urgent business.

**Councillor Andrew Parker
Chair**

Meeting concluded at 7.10 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 10 May 2023

Report Title: Licensing Act 2003: Regulatory Easements Consultation

Submitted by: Service Director - Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform the Committee of a Home Office consultation as to whether the temporary alcohol licensing provisions enacted in the Business and Planning Act 2020 should be made permanent.

Recommendation

That Members note the content of the report and consultation response submitted.

Reasons

The Home Office have consulted upon on whether the temporary alcohol licensing provisions enacted in the Business and Planning Act 2020 should be made permanent. The consultation has closed and a response has been submitted on behalf of the Council.

1. **Background**

- 1.1 During the Coronavirus pandemic the Government implemented a number of 'regulatory easements' through the Business and Planning Act 2020 including:
- The creation of a Pavement Licensing regime;
 - Changes to alcohol licensing that allowed operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries; and
 - Extensions to the limits for Temporary Event Notices.
- 1.2 The Pavement Licensing regime was designed to make it easier for premises serving food and drink (such as bars, restaurants and pubs) to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. However, the future plans for this sit within the Levelling Up and Regeneration Bill, rather than within this consultation.
- 1.3 The off-sales easement was designed to be a temporary measure to "boost the economy", with provisions lasting until the end of September 2021. They have already been extended twice to September 2022 and 2023 respectively.
- 1.4 The Temporary Event Notices easement was also a temporary measure that allowed for an extension on limits of TENs for the calendar years of 2022 and 2023.

2. Issues

- 2.1 The Home Office opened a consultation on 6th March 2023 in relation to the easement around allowing existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries; and the extensions to the limits for Temporary Event Notices.
- 2.2 The consultation ran for 8 weeks and closed on 1st May 2023.
- 2.3 In relation to each aspect the Home Office consulted upon which of three options would be the preferable position. In relation to the 'off-sales' easement the options were:
- 2.3.1 - Option 1: Do nothing. This means that the easements provided by the Business and Planning Act 2020 lapse after 30 September 2023 and arrangements revert to those set out in the Licensing Act 2003. Any premises licence holder whose licence only allows on-sales will need to apply for a variation if they additionally wish to provide off-sales;
- 2.3.2 - Option 2: Make permanent the temporary regulatory easements for off-sales under the Business and Planning Act 2020, whereby any on-sales alcohol premise licence automatically covers off-sales as well. This would apply to existing and future premises licence holders; or
- 2.3.3 – Option 3: If a venue has both an alcohol premises licence and a pavement licence, the area covered by the pavement licence would be automatically included in the premises licence.
- 2.4 In relation to the Temporary Events Notices (TENs) easements the options were:
- 2.4.1 - Option 4: Do nothing. This means that the easements provided by the Business and Planning Act 2020 lapse after 31 December 2023. The number of TENs permitted will revert to the numbers set out in the Licensing Act, which is 15 TENs per year for a total of 21 days;
- 2.4.2 - Option 5: Extend the easement for a further twelve months, until 31 December 2024. This would mean that the number of TENs permitted will be 20 (from 15) and the maximum duration will be 26 days (from 21).
- 2.4.3 - Option 6: Make permanent the extension to the number of permitted TENs provided by the Business and Planning Act 2020. This would mean that the number of TENs permitted will be 20 (from 15) and the maximum duration will be 26 days (from 21). This would apply to existing and future premises licence holders.
- 2.5 The consultation document is attached as **Appendix A**. The document provides an introduction to the proposals, what the proposals are, the background to them and the consultation questions. There were fourteen (14) questions:

Off-Sales:

1. Q1: Do you agree that when the regulatory easement ends on 30 September 2023, there should be no automatic extension of an on-sales premises licence; anyone wishing to do off-sales should apply to their Licensing Authority for a variation to their on-sales licence?
Yes or No
2. Q2: Should any such amendment to an on-sales licence be treated initially as a minor variation? Yes or No
3. Q3: Should all variation applications automatically be sent to responsible authorities? Yes or No
4. Q4: Should any such amendment to an on-sales licence always be a major variation?
Yes or No

5. Q5: Should all new applications for premises licences specify on-sales and off-sales or should they automatically include both? On and off-sales listed separately or Automatically include both on and off-sales
6. Q6: If a premises licence holder also holds a pavement licence for the same venue, should the area covered by the pavement licence be automatically deemed to be included in the area covered by the premises licence? Yes or No
7. Q7: Do you agree that the regulatory easement should be made permanent, meaning that any on-sales premises licence holder is automatically able to do off-sales without any need to amend their licence? Yes or No
8. Q8: If you answered yes to Q7, should it apply to off-sales, take-away or both? Yes or No
9. Q9: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the off-sales easement? Yes or No and give reasons for any of your answers to the above questions about off-sales.

Temporary Event Notices:

10. Q10: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance should return to the level set out in the Licensing Act which is 15 TENs per year? Yes or No
11. Q11: Should the annual allowance set out in the Business and Planning Act be extended for a further 12 months to 31 December 2024? Yes or No
12. Q12: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 20 TENs should permanently remain at the level set out in the Business and Planning Act 2020? Yes or No
13. Q13: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 26 days should permanently remain at the level set out in the Business and Planning Act 2020? Yes or No
14. Q14: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the TENs regulatory easement? Yes or No and give reasons for any of your answers to the above questions about TENs.

2.6 Officers' have submitted a response to the consultation following a review carried out with Chair of the Licensing & Public Protection Committee and Portfolio Holder. The Council responses to the above questions were:

Off-sales:

1. Yes
2. Yes
3. Yes
4. No
5. On and off-sales listed separately
6. No
7. No
8. N/A
9. No and There still needs to be oversight on whether a premises sells alcohol for consumption on or off the premises, or both. The Business Planning Act 2020 foresaw

that there may be issues with premises being allowed to benefit from the easement with no approval and made provision on how the entitlement could be removed/refused. In most circumstances there will likely be no issue however there, are premises that are cited in locations that may not be suitable to authorise off sales e.g. those situated within a PSPO or surrounded by land over which they have no control that is unsuitable for alcohol consumption. Our opinion is that it would not be suitable for a pavement licence area to be included within a premises licence for two reasons, firstly that it may be that the conditions from the premises licence are not suitable for the external area and secondly, that it would nullify any PSPO meaning there would be no recourse for authorised officers to use those powers, if required.

Temporary Event Notices:

10. No
11. No
12. Yes
13. Yes
14. No and there have no issues with the easement whilst it has been in force, however our view is that this current should be the maximum, and not increased any further, as premises that wish to engage in licensable activities on a regular basis should have to go through the scrutiny process of a premises licence.

2.7 A copy of the Council response is attached as **Appendix B**.

3. **Proposal**

3.1 That Members note the content of the report and consultation response submitted

4. **Reasons for Proposed Solution**

4.1 The Home Office have consulted upon on whether the temporary alcohol licensing provisions enacted in the Business and Planning Act 2020 should be made permanent. The consultation has closed and a response has been submitted on behalf of the Council.

5. **Options Considered**

5.1 Officers considered the implications of allowing premises with on-sales to be automatically permitted to add off-sales to their licence, or suggesting that a full variation application be required. It was determined that a minor variation provided a balanced and proportionate method to obtain the authorisation to do so ensuring compliance with the Licensing Objectives. In relation to TENs it was considered that there should be a return to 'pre-covid' limits, however there is no indication that premises regularly reach either of the limits or that the increased limits have led to any significant issues.

6. **Legal and Statutory Implications**

6.1 The Licensing Act 2003 will be amended if the proposals suggested are approved.

7. **Equality Impact Assessment**

7.1 Not applicable

8. **Financial and Resource Implications**

8.1 If TENs limit remain at their current level it may lead to an increase in TENs being submitted and require officer time to consider, acknowledge and process them. Unless the proposal to

automatically allow on-sales premises to sell alcohol for consumption off premises is approved there will likely be an increase in applications to authorise off-sales.

9. **Major Risks**

9.1 Not applicable

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

10.1



11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 Licensing & Public Protection Committee – 18th October 2022

12.2 Licensing & Public Protection Committee – 27th July 2021

12.3 Licensing & Public Protection Committee – 4th August 2020

13. **List of Appendices**

13.1 Appendix A – Home Office consultation document published 6th March 2023
Appendix B – Consultation response sent 17th April 2023

14. **Background Papers**

14.1 [The Business and Planning Act 2020](#)

14.2 [Alcohol Licensing \(Coronavirus\) \(Regulatory Easements\) \(Amendment\) Regulations 2021](#)

14.3 [Business and Planning Act 2020 \(Coronavirus\) \(Amendment\) Regulations 2021](#)

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Home Office

Consultation: Licensing Act 2003: Regulatory easements

This consultation begins on 6 March 2023

This consultation ends on 1 May 2023

About this consultation

- To:** This is a public consultation. Any member of the public can respond. The consultation covers England and Wales where these proposals apply.
- Duration:** From 6 March 2023 to 1 May 2023.
- Enquiries (including requests for the paper in an alternative format) to:** Email: alcohollicensingconsultations@homeoffice.gov.uk
- How to respond:** Please send your response by 1 May 2023.
- Responses can be submitted online through the GOV.UK website:
<https://www.homeofficesurveys.homeoffice.gov.uk/s/KH3QRY/>
- or by post by sending responses to:
- Regulatory Easements Consultation
Alcohol team
5th Floor, Fry Building
Home Office
2 Marsham Street, SW1P 4DF
Email: alcohollicensingconsultations@homeoffice.gov.uk
- After the consultation:** Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the government's final policy intentions. All responses will be treated as public, unless stated otherwise.

Contents

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Introduction

1. This paper sets out for consultation proposals on a number of regulatory easements. The consultation is aimed at the hospitality sector, local licensing authorities, the police, licensed premises, members of the public and other interested parties in England and Wales where these proposals apply.
2. This list is not meant to be exhaustive or exclusive and responses are welcome from anyone with an interest in or views on the subject covered by this paper.
3. Copies of this consultation are being sent to:
 - Local Government Association
 - National Association of Licensing Enforcement Officers
 - Institute of Licensing
 - National Organisation of Residents Associations
 - National Police Chiefs Council
 - Night Time Industries Association
 - UK Hospitality
 - Association of Police and Crime Commissioners
 - British Beer and Pub Association
 - Association of Convenience Stores
 - Wine and Spirits Trade Association
 - Alcohol Health Alliance
 - Alcohol Research and Concern
 - Institute of Alcohol Studies
4. An Impact Assessment has been prepared on the proposals outlined in this consultation and has been published, it can be found on the consultation page on GOV.UK.

The proposals

Off-sales

- **Option 1:** Do nothing. This means that the easements provided by the Business and Planning Act 2020 lapse after 30 September 2023 and arrangements revert to those set out in the Licensing Act 2003. Any premises licence holder whose licence only allows on-sales will need to apply for a variation if they additionally wish to provide off-sales.
- **Option 2:** Make permanent the temporary regulatory easements for off-sales under the Business and Planning Act 2020, whereby any on-sales alcohol premise licence automatically covers off-sales as well. This would apply to existing and future premises licence holders.
- **Option 3:** If a venue has both an alcohol premises licence and a pavement licence, the area covered by the pavement licence would be automatically included in the premises licence.

Temporary Events Notices (TENs)

- **Option 4:** Do nothing. This means that the easements provided by the Business and Planning Act 2020 lapse after 31 December 2023. The number of TENs permitted will revert to the numbers set out in the Licensing Act, which is 15 TENs per year for a total of 21 days.
- **Option 5:** Extend the easement for a further twelve months, until 31 December 2024. This would mean that the number of TENs permitted will be 20 (from 15) and the maximum duration will be 26 days (from 21).
- **Option 6:** Make permanent the extension to the number of permitted TENs provided by the Business and Planning Act 2020. This would mean that the number of TENs permitted will be 20 (from 15) and the maximum duration will be 26 days (from 21). This would apply to existing and future premises licence holders.

Background

Off-sales

The Licensing Act 2003 allows premises licence holders to sell alcohol for consumption on site ('on-sales') or for consumption off site ('off-sales') or both. The application form allows the applicant to specify whether they are applying for a licence that covers on-sales, off-sales or both. The holder of an on-sales licence can subsequently apply to their Licensing Authority for a variation if they wish to add off-sales to their licence.

The Business and Planning Act 2020 provided regulatory easements which enabled on-sales premises licence holders to automatically additionally do off-sales, without any need to amend their licence. When pubs and restaurants were initially closed because of the pandemic, they were able to sell alcohol for take-away. Once premises were able to re-open, this additionally automatically enabled them to serve alcohol in the area covered by any pavement licence that they had.

The Government does not believe it would be preferable to return to the pre-2020 position but would welcome views. We are consulting to understand whether there is support for making the regulatory easement permanent so that on-sales premises licence holders can continue to automatically do off-sales; or whether any off-sales should be restricted to the area covered by a pavement licence, with that area automatically deemed to be included in the premises plan.

Temporary Events Notices (TENS)

The Licensing Act 2003 allows licensable activities to be carried out on a one-off basis without the need for a premises licence or any other authorisation, by means of a temporary event notice. Licensable activities include the sale of alcohol, the provision of late night refreshment and regulated entertainment. A temporary event notice can be used by a licensed premises to extend its hours beyond its usual closing time or to carry out licensable activities it is not usually able to do. It can also be used for one-off events that are being organised on non-licensed premises (for example a wedding party in a village hall).

Provisions in the Business and Planning Act temporarily increased the annual number of Temporary Event Notices (TENS) that a licensed premise user can have in respect of a premises from 15 to 20 per year. It also increased the maximum number of days on which temporary events may be held at such premises from 21 to 26 per year.

We are consulting to understand whether there is support for making permanent the regulatory easement or whether to return to the allowance set out in the Licensing Act.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Off-sales

Q1: Do you agree that when the regulatory easement ends on 30 September 2023, there should be no automatic extension of an on-sales premises licence; anyone wishing to do off-sales should apply to their Licensing Authority for a variation to their on-sales licence?

Yes

No

Q2: Should any such amendment to an on-sales licence be treated initially as a minor variation?

Yes

No

Q3: Should all variation applications automatically be sent to responsible authorities?

Yes

No

Q4: Should any such amendment to an on-sales licence always be a major variation?

Yes

No

Q5: Should all new applications for premises licences specify on-sales and off-sales or should they automatically include both?

On and off-sales listed separately

Automatically include both on and off-sales

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Q6: If a premises licence holder also holds a pavement licence for the same venue, should the area covered by the pavement licence be automatically deemed to be included in the area covered by the premises licence?

Yes

No

Q7: Do you agree that the regulatory easement should be made permanent, meaning that any on-sales premises licence holder is automatically able to do off-sales without any need to amend their licence?

Yes

No

Q8: If you answered yes to Q7, should it apply to off-sales, take-away or both?

Yes

No

Q9: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the off-sales easement?

Yes

No

Please give reasons for any of your answers to the above questions about off-sales.

Temporary Events Notices

Q10: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance should return to the level set out in the Licensing Act which is 15 TENS per year?

Yes

No

Q11: Should the annual allowance set out in the Business and Planning Act be extended for a further 12 months to 31 December 2024?

Yes

No

Q12: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 20 TENS should permanently remain at the level set out in the Business and Planning Act 2020?

Yes

No

Q13: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 26 days should permanently remain at the level set out in the Business and Planning Act 2020?

Yes

No

Q14: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the TENS regulatory easement?

Yes

No

Please give reasons for any of your answers to the above questions about TENS.

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
Email address	
If you are a premises licence holder, what rateable value band does the premises fall into?	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/>
	(please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please complete the consultation online at:

<https://www.homeofficesurveys.homeoffice.gov.uk/s/KH3QRY/> or send your response by

1 May to:

Regulatory Easements Consultation

Alcohol Team, 5th Floor Fry Building

Home Office

2 Marsham Street

London, SW1P 4DF

Email: alcohollicensingconsultations@homeoffice.gov.uk

i. Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

ii. Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online.

iii. Publication of response

A paper summarising the responses to this consultation will be published. The response paper will be available online.

iv. Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

v. Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information

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we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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Q1: Do you agree that when the regulatory easement ends on 30 September 2023, there should be no automatic extension of an on-sales premises licence; anyone wishing to do off-sales should apply to their Licensing Authority for a variation to their on-sales licence?

Yes ✓

No

Q2: Should any such amendment to an on-sales licence be treated initially as a minor variation?

Yes ✓

No

Q3: Should all variation applications automatically be sent to responsible authorities?.

Yes ✓

No

Q4: Should any such amendment to an on-sales licence always be a major variation?

Yes

No ✓

Q5: Should all new applications for premises licences specify on-sales and off-sales or should they automatically include both?

On and off-sales listed separately ✓

Automatically include both on and off-sales

Q6: If a premises licence holder also holds a pavement licence for the same venue, should the area covered by the pavement licence be automatically deemed to be included in the area covered by the premises licence?

Yes

No ✓

Q7: Do you agree that the regulatory easement should be made permanent, meaning that any on-sales premises licence holder is automatically able to do off-sales without any need to amend their licence?

Yes

No ✓

Q8: If you answered yes to Q7, should it apply to off-sales, take-away or both?

Yes

No

Not applicable ✓

Q9: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the off-sales easement?

Yes

No ✓

Please give reasons for any of your answers to the above questions about off-sales.

There still needs to be oversight on whether a premises sells alcohol for consumption on or off the premises, or both. The Business Planning Act 2020 foresaw that there may be issues with premises being allowed to benefit from the easement with no approval and made provision on how the entitlement could be removed/refused. In most circumstances there will likely be no issue however there are premises that are cited in locations that may not be suitable to authorise off-sales e.g. those situated within a PSPO or surrounded by land over which they have no control that is unsuitable for alcohol consumption. Our opinion is that it would not be suitable for a pavement licence area to be included within a premises licence for two reasons, firstly that it may be that the conditions from the premises licence are not suitable for the external area and secondly, that it would nullify any PSPO meaning there would be no recourse for authorised officers to use those powers if required.

Q10: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance should return to the level set out in the Licensing Act which is 15 TENs per year?

Yes

No ✓

Q11: Should the annual allowance set out in the Business and Planning Act be extended for a further 12 months to 31 December 2024?

Yes

No ✓

Q12: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 20 TENs should permanently remain at the level set out in the Business and Planning Act 2020?

Yes ✓

No

Q13: Do you agree that when the regulatory easement ends on 31 December 2023, the annual allowance of 26 days should permanently remain at the level set out in the Business and Planning Act 2020?

Yes ✓

No

Q14: Are you aware of any change in the level of crime and / or anti-social behaviour as a result of the TENs regulatory easement?

Yes

No ✓

Please give reasons for any of your answers to the above questions about TENs.

There have no issues with the easement whilst it has been in force, however our view is that this current limit should be the maximum, and not increased any further, as premises that wish to engage in licensable activities on a regular basis should have to go through the scrutiny process of a premises licence.

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Public Document Pack Agenda Item 5

Licensing Sub-Committee - 21/03/23

LICENSING SUB-COMMITTEE

Tuesday, 21st March, 2023
Time of Commencement: 1.30 pm

Present: Councillor Andrew Parker (Chair)

Councillors: S White J Williams

Apologies: Councillor(s)

Substitutes:

Officers: Melanie Steadman Licensing Officer
Anne-Marie Pollard Solicitor

Also in attendance: Kirsty Fradley Applicant
James Elliott Applicant's Partner
Mr George Domleo Flint Bishop LLP
Mr Tim Millington Local Resident Objector

1. APPOINTMENT OF CHAIR

Resolved: That Councillor Andrew Parker be appointed as Chair.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

4. APPENDIX A - NATURAL JUSTICE GUIDANCE NOTES

5. APPENDIX B HUMAN RIGHTS GUIDANCE NOTES

6. APPENDIX C PROCEDURE TO BE FOLLOWED BY THE SUB-COMMITTEE

7. NEW PREMISE LICENCE APPLICATION - SNEYD ARMS, 1 THE VILLAGE, KEELE, ST5 5AD

An application had been received for a new premises licence at the Sneyd Arms, 1 The Village, Keele, ST5 5AD. A representation from a member of the public had followed in relation with the licensing objectives of public safety and prevention of public nuisance. The applicant attended along with their partner and their representative. The local resident objector was also present. All parties expressed their view.

The sub-committee carefully considered the reports and what had been said at the hearing. Both parties had notably offered to work with each other and environmental

Licensing Sub-Committee - 21/03/23

health services to ascertain where the vibration was coming from and to pursue a mutually agreeable solution going forward.

It was highlighted and understood that if a solution could not be reached and noise nuisance continued to affect the neighbouring premises, the option to return the matter to the sub-committee by means of a review was available to the local resident and environmental health.

Taking into account the guidance and the legislation it was agreed to grant the licence under the conditions specified below.

Resolved: (i) That the Premises Licence be considered in accordance with the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy the Sub-Committee having regard to the four below licensing objectives:

- the Prevention of Crime and Disorder;
- Public Safety;
- the Prevention of Public Nuisance;
- the Protection of Children from Harm.

(ii) That the Premises Licence be granted subject to:

- the conditions agreed with Staffordshire police;
- the noise plan being incorporated into the operating schedule;
- the door into the store room being kept closed at all times except when passing through to the cellar area;
- the cellar area not being used for any licensable activity or admitting any members of the public at any time;
- live music and recorded music only being permitted in the Knight Templar Bar between 12:00 noon and 23:00 hours.

**Councillor Andrew Parker
Chair**

Meeting concluded at 3.00 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 10 May 2023

Report Title: Update on Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

Submitted by: Service Director - Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To provide an update on the Taxi and Private Hire Vehicles (Safeguarding & Road Safety) Act 2022 in relation to recording of taxi refusals, revocations and suspensions on a central database.

Recommendation

That Members note the contents of the report

Reasons

Department for Transport (DfT) have recently provided information in relation to arrangements for information sharing required through the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which will affect all licensing authorities in England.

1. **Background**

- 1.1 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 ("the Act") received Royal Assent on 31st March 2022. It was the subject of a report to committee on 28th June 2022.
- 1.2 The Act seeks to improve the safety of passengers in two ways. Firstly it mandates that licensing authorities must record all instances of suspensions, revocations and refusals taken against taxi drivers on a central database. Secondly it places a duty on licensing authorities that when they have certain safeguarding or road safety concerns about a driver licensed by another authority, they must provide relevant information to the authority that issued the licence, who must then consider whether to suspend or revoke that drivers' licence within a specified period.
- 1.3 The first part has now received a commencement date and information relating to the arrangements.

2. **Issues**

- 2.1 Where a licensing authority suspends, revokes or refuse to grant or renew a taxi driver licence they must enter that decision onto a central database along with the drivers' name, address, date of birth, national insurance number and DVLA driving licence number. They also provide that all licensing authorities must check the database for an individual's details

where they have made an application for a new, or to renew a taxi driver licence. The information will be retained on the database for a period of 11 years.

2.2 On 28th February 2023, Department for Transport wrote to all Licensing Authorities to announce that an agreement to designate the National Anti-Fraud Network as the database provider under Section 4(1)(a) of the Act. The National Anti-Fraud Network's database, is the National Register for Revocations, Refusals and Suspensions (NR3S). This register now included suspensions and is the database which the Council is already using.

2.3 A commencement date of 27 April 2023, has been given to use the NR3S to record taxi and private hire vehicle driver licences that have been refused, suspended or revoked for safeguarding or road safety reasons. This date has been met with all records being up to date.

3. **Proposal**

3.1 That Members note the contents of the report.

4. **Reasons for Proposed Solution**

4.1 The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent in 2022. It will be mandatory that the Council comply with the provisions within the Act. The provision for all licensing Authorities to record information on a central database has received a commencement date of 27 April 2023 and the arrangements for such have been provided.

5. **Options Considered**

5.1 No alternative options have been considered

6. **Legal and Statutory Implications**

6.1 The Act places a number of statutory duties upon the Council. The Council must comply with these.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 As the Council already use the database mandated and the Council regularly shares information about drivers with other licensing authorities and responsible bodies such as the Police, there should not be a large implication on resources and will form part of the day to day activities of the licensing department.

8.2 The database requires driver suspensions to be added into the records. These have now been uploaded onto the NR3S database which was up to date for the commencement date.

8.3 In relation to the fee, in the DfT letter details "*Furthermore, to assist with this new mandatory requirement, I am pleased to announce that my department is covering the cost of access to the NR3S. All licensing authorities will be given access to the NR3S for free.*" We are currently following this up with NAFN/DfT as payment for 2023 has still been required.

9. **Major Risks**

9.1 There are no major risks anticipated as the provision are mandating the good practice that already goes on between licensing authorities.

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

10.1 The following UN sustainable goals are applicable.



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 Licensing & Public Protection Committee 28th June 2022.

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#)

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 10 May 2023

Report Title: Update on results of Taxi Licensing Appeals

Submitted by: Service Director - Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To update Members on the results of all Taxi Licensing Appeals that have been considered since last reported to Committee.

Recommendation

That Members note the contents of the report

Reasons

To inform Members of the results of appeals made to the Court following decisions made by the licensing authority.

1. **Background**

- 1.1 Following any Council decision to suspend, revoke, refuse to grant or refuse to renew a taxi driver, vehicle or operator licence there is the statutory right of appeal. For nearly all matters, the right of appeal is to the Magistrates' Court in the first instance and then an opportunity for an onward appeal to be made to the Crown Court. In limited instances, particularly the refusal to grant a new hackney carriage vehicle licence, the right of appeal is straight to the Crown Court.
- 1.2 Upon receipt of any appeal the Council seeks to defend its position. If successful we apply to the Court for the full costs incurred defending the appeal.

2. **Issues**

- 2.1 Since 17th January 2023 the Council has been involved in four Magistrates' Court appeals. The first matter related to a Sub-Committee decision from July 2020 to refuse renew a taxi driver licence due to a long history of failures to comply with policy and statutory provisions, and associated matters. The appeal was delayed originally due to Covid, then adjourned twice after being fixed on unsuitable dates and then adjourned three times recently by the Court on the day of the appeal due to a lack of Court time. At the time of writing we are awaiting a new date from the Court.
- 2.2 The second matter related to a Sub-Committee decision to grant a taxi driver licence with the condition that he first pass the Council's taxi knowledge test. The driver appealed and the matter was due to be heard on 27th February 2023. They had stated that they needed an interpreter and would bring a friend. He was informed in advance that he must inform the court in order that they appoint an independent interpreter. They did not act on this advice

and as such the hearing could not go ahead on the day. The Court stated that they would be liable for the costs of this wasted hearing, and relisted the matter for 26th May 2023.

- 2.3 The third matter related to a Sub-Committee decision to revoke a taxi driver licence following receipt of a conviction of driving without insurance, aggravated by prior issues. The Magistrates' heard the case and dismissed their appeal, awarding full costs the Council amounting to £1685.00.
- 2.4 The fourth matter related to a Sub-Committee decision to revoke a taxi driver licence following receipt of a conviction for driving without due care and attention. The matter was due to be heard on 20th January 2023 however the driver had only recently instructed legal representation so the Council agreed to an adjournment. The matter was refixed administratively and a new date was set for 22nd August 2023.
- 2.5 The Council have also been involved in four Crown Court appeals since 17th January 2023. The first and second matters related to the same individual but two separate Sub-Committee decisions to refuse to grant Hackney Carriage Vehicle licences. The judge heard the cases on 10th March 2023 and dismissed both appeals, awarding full costs to the Council amounting to £1800.00.
- 2.6 The third matter related to a Sub-Committee decision from November 2021 to revoke a taxi driver licence after the individual being implicated in a violent assault. At the Magistrates' Court hearing the appeal was dismissed and the Council were awarded full costs of £2000.00. The driver has since withdrawn their appeal meaning that the decision of, and costs awarded by the Magistrates' Court stand.
- 2.7 The fourth matter related to a Sub-Committee decision from May 2020 to refuse to renew a taxi driver licence and an appeal that was heard by Magistrates' Court in March 2022. The appeal was dismissed with partial costs of £450.00 being awarded. An onward appeal was received to the Crown Court however due to further evidence being submitted the driver withdrew their appeal at the last minute, meaning that the decision of, and costs awarded by the Magistrates' Court stand. Due to the last minute withdrawal and legal costs incurred an agreement was reached where the driver would pay the £450.00 from Magistrates' Court plus an additional £780.00 for costs incurred totalling £1230.00.
- 2.8 At the time of the report being written the Council have nine outstanding appeals to defend in the Magistrates' Court, including the ones referred to in paragraphs 2.1, 2.2 and 2.4, and three appeals in the Crown Court.

3. **Proposal**

- 3.1 The Members note the contents of the report

4. **Reasons for Proposed Solution**

- 4.1 The purpose of the report is to bring Members up to date on recent taxi licensing appeals

5. **Options Considered**

- 5.1 No other options have been considered

6. **Legal and Statutory Implications**

- 6.1 Set out in the body of the report.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 To defend licensing appeals there is a large resource implication on officers acting as witnesses or assisting with the casework. The successful party can apply to the Court for the full costs incurred in relation to the appeal, however the discretion lies with the Magistrates or Judge as to what proportion is awarded. In the event that the appeal is upheld then the starting point is that costs will not be awarded against the Council unless the Court finds that the decision taken was unreasonable, irrational or wrong.

9. **Major Risks**

9.1 N/A

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

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 Various notices from Sub-Committee and Officer Decisions to suspend, revoke or refuse to renew licences.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report for Public Protection and Licensing Committee – April 2023

<u>Title:</u>	Public Space Protection Order Public Consultation Update
<u>Submitted by:</u>	Michelle Hopper, Mobile Multi-Functional Manager
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	Newchapel and Mow Cop, Cross Heath, Town, May Bank and Wolstanton

Purpose of the Report

This report is to;

- Provide an update on the recent public consultation on the proposed partial/full closures of Public Rights of Way in Newcastle. To note there are no proposed changes following the 6 week consultation and to gain support from the committee to conclude a final 6 week public consultation.

Recommendations

That the Licensing and Public Protection Committee considers the content of this report and gives approval for Officers of the Council to conduct a final 6 week public consultation for a proposed PSPO for the Borough of Newcastle under Lyme.

Reasons

- Following ongoing reports of anti-social behaviour in these locations, the Borough Council is seeking to use its powers to impose prohibitions to restrict antisocial behaviour and arson in the locality through restricted and partially restricted public rights of way.
- The Committee is required to consider agreeing to the conditions of the order so that a formal consultation can be initiated.

1 Background

- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3

years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

- This the first application for a Public Space Protection Order in relation to existing gating on public rights of way and any future gating projects in the Borough.
- Newcastle 143 has been gated for a number of years due to crime and anti-social behaviour. Kidsgrove 19 has been subject to a partial closure with the neighbouring properties opening and closing the gate on a daily basis. The third proposed public right of way is to the rear of Beattie Avenue in Cross Heath known as Newcastle 132.

ASB statistics from the Borough Council –

- Public right of way ‘Newcastle 132’ (Beattie Avenue)
2020 2 incidents reported to the Council reference fires
2022 5 incidents reported to the Council reference fires and two
 incident reported reference antisocial behaviour.
- Public right of way ‘Kidsgrove 19’ (High Street, Newchapel)
2020 1 incident of antisocial behaviour reported for the park
2022 1 incident of antisocial behaviour reported for the park.
- Public right of way ‘ Newcastle 143’ (Gated alley off Church Lane , Wolstanton)
No specific reports to the Council for the location.

ASB statistics from the Police.

- Public right of way ‘Newcastle 132’ (Beattie Avenue)
2022 4 incidents involving fires.
- Public right of way ‘Kidsgrove 19’ (High Street, Newchapel)
No incidents reported to the Police.
- Public right of way ‘ Newcastle 143’ (Gated alley off Church Lane , Wolstanton)
2022 6 incidents specifically around High St, Church St and Knutton
 Road and Alexandra Road and 27 other antisocial related incidents in the
 surrounding area.
2021 4 incidents of asb out of a total of 29
2020 1 incident of asb out of a total of 5

The draft order as shown as Appendix 1 to this report, highlights the locations that we propose are to be subject to a Public Space Protection Order. These will include the full closure or partial closure of designated public rights of way. These are highlighted on the Appendix 1, 2 and 3 which are attached to this report.

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act).
- 1.3 Following a 6 week consultation period of which the results can be found on Appendix 5, we are now returning to committee to provide an update on this consultation, and make any necessary changes to the proposed Orders and to seek approval for a final 6 week

consultation. A report will then be brought back to Public protection to seek approval for the order to be approved.

2. Public Consultation

2.1 32 responses were received as part of the 6 week consultation which concluded on the 27th March 2023. Overall there was a positive response to the proposals.

- Kidsgrove 19, 75% were in favour of this location being partially closed between 6pm and 8am daily.
- Newcastle 132, 57% were in favour of this location being gated permanently. 57% also supported the public right of way being redirected regain access to Newcastle 132.
- Newcastle 143, 75% were in support of this public right of way being gated permanently.

A copy of the consultation results can be found on Appendix 5 to this report.

2. Proposed Prohibitions

The proposed prohibitions.

1. The public right of way known as 'Newcastle 132' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for 'Newcastle 132' is via Honeywood as per Appendix 1.
3. The public right of way known as 'Newcastle 143' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as 'Kidsgrove 19' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order (Appendix 3) , shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.
5. The occupiers of the neighbouring properties to 'Kidsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kidsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

4. Recommendations

- 4.1 That the Public Protection and Licensing Committee considers the content of this report, notes that no further amendments were proposed following the consultation and gives approval for Officers at the Council to initiate the final 6 week public consultation for a proposed PSPO for the Borough of Newcastle under Lyme.

5. Outcomes Linked to Corporate Priorities

- 5.1 The Council Plan outlines a priority to create a safe environment for residents, businesses and the general public to work and socialise in.

To achieve the Council's priorities PSPO's can be utilised in building on our work with Police and partners to reduce anti-social behaviour and fear of crime in our communities.

6. Legal and Statutory Implications

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

7. Equality Impact Assessment

- 7.1 An Equality Risk Assessment has been refreshed detailing how the PSPO will impact those who utilise these public rights of way.

8. Financial and Resource Implications

- 8.1 Restrictions are already in place for 'Newcastle 143' and 'Kidsgrove 19'. Funding has been sourced from the Police, Fire and Crime Commissioner for the 'Newcastle 132' (Beattie Avenue) project.

9. Key Decision Information

- 9.1 The maintenance and operation of the gating will fall to Newcastle-under-Lyme Borough council. Funding for such projects should be facilitated via partnership funding avenues.

10. Earlier Cabinet/Committee Resolutions

- 10.1 This is the first application for a P.S.P.O. in relation to public highways with gated access.

11. List of Appendices

- 11.1 Appendix 1: Map of proposed restrictions for Newcastle 132 and alternative route.
- 11.2 Appendix 2: Map of proposed restrictions for Newcastle 143.
- 11.3 Appendix 3: Map of proposed restriction for Kidsgrove 19.
- 11.4 Appendix 4 : Public Space Protection Order for the restriction of public rights of way (draft order)
- 11.5 Appendix 5: Copy of the public consultation results round 1.

12. Background Papers

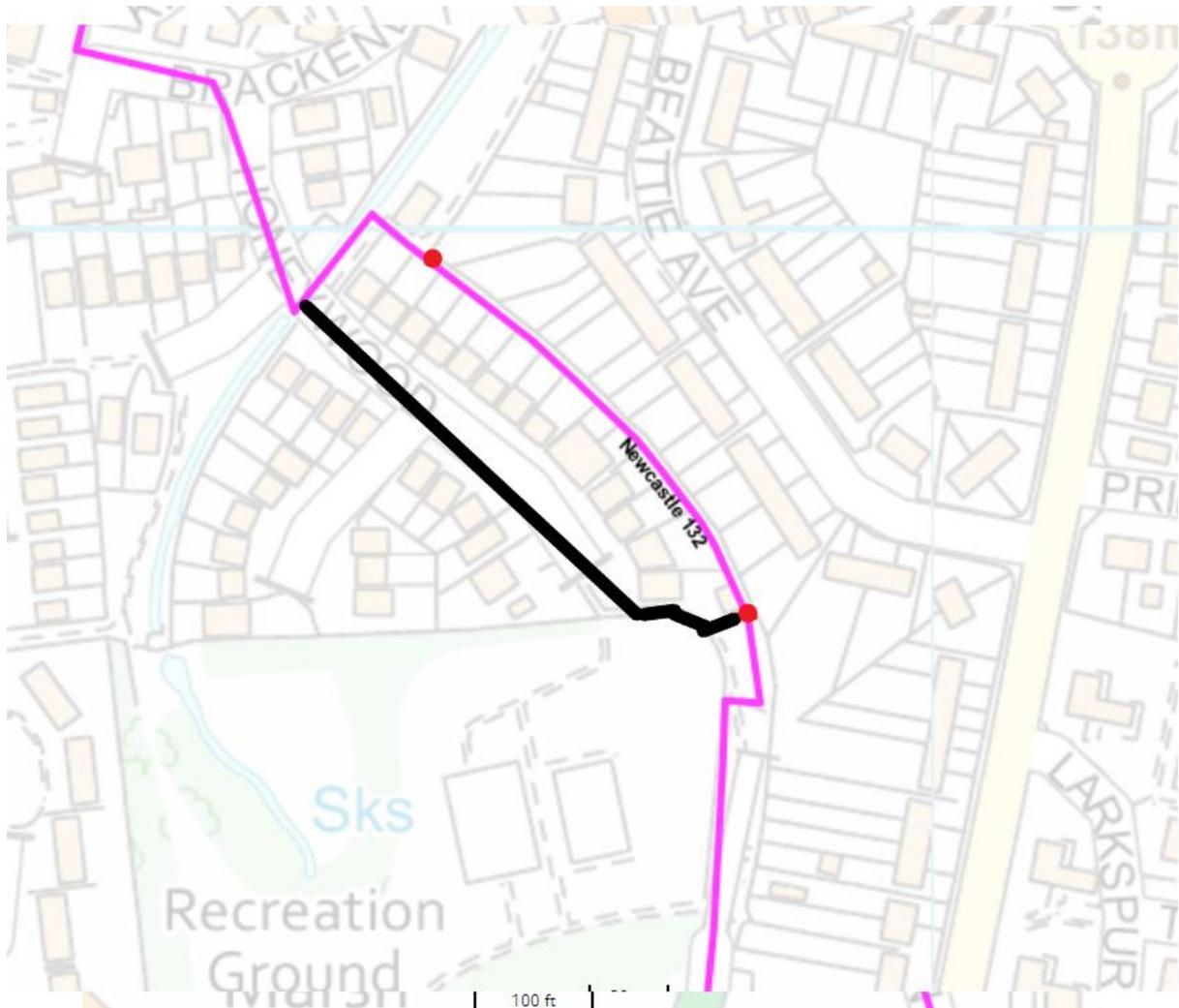
- 12.1 None

APPENDIX 1

Newcastle 132

KEY

	PUBLIC RIGHT OF WAY
	PROPOSED LOCATION OF GATES
	ALTERNATIVE ROUTE



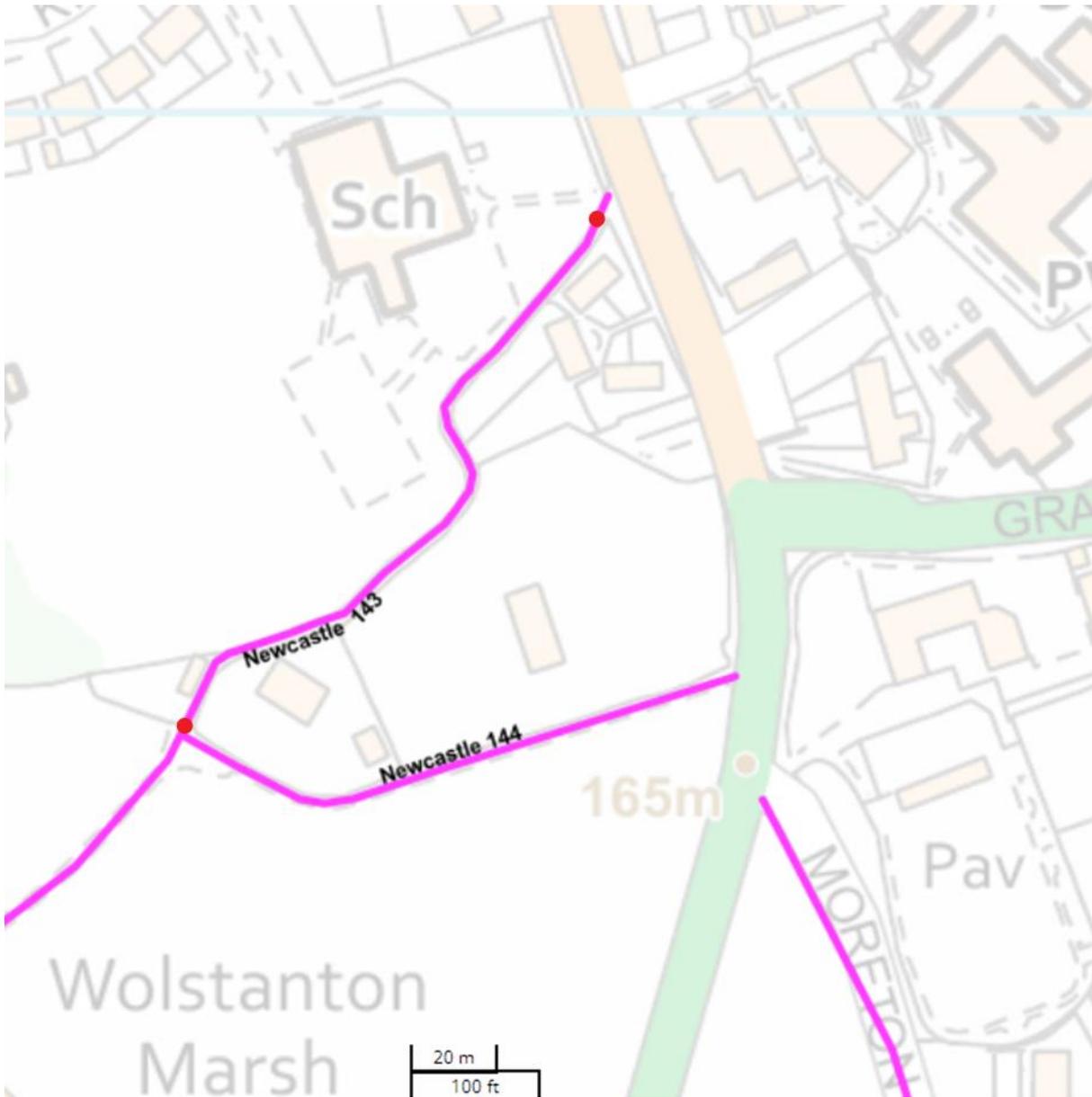
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APPENDIX 2

Newcastle 143

KEY

	PUBLIC RIGHT OF WAY
	LOCATION OF GATES



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Appendix 3

Kidsgrove 19

Key

	Public right of way
	Location of the gates



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER NUMBER 4 OF 2023
(the “ORDER”)

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number 1 of 2023.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on **DATE** and shall have an effect for 3 years thereafter, unless extended by further order under the Councils statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, these areas are designated public rights of way known as Newcastle 132, Newcastle 143, and Kidsgrove 19 and are shown on the appendix attached below. (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. The public right of way known as ‘Newcastle 132’ and marked red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for ‘Newcastle 132’ is via Honeywood as per Appendix 1.
3. The public right of way known as ‘Newcastle 143’ and marked red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as ‘Kidsgrove 19’ and marked red in this Order and described in the Schedule to this Order, shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.

APPENDIX 4

5. The occupiers of the neighbouring properties to 'Kingsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kingsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

APPEALS

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

DEFINITION AND EXEMPTIONS:

1. Order may be cited as the '*Public right of way Public Spaces Protection Order*'
2. "*Authorised Person*" a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.

RESTRICTIONS AND PENALTY:

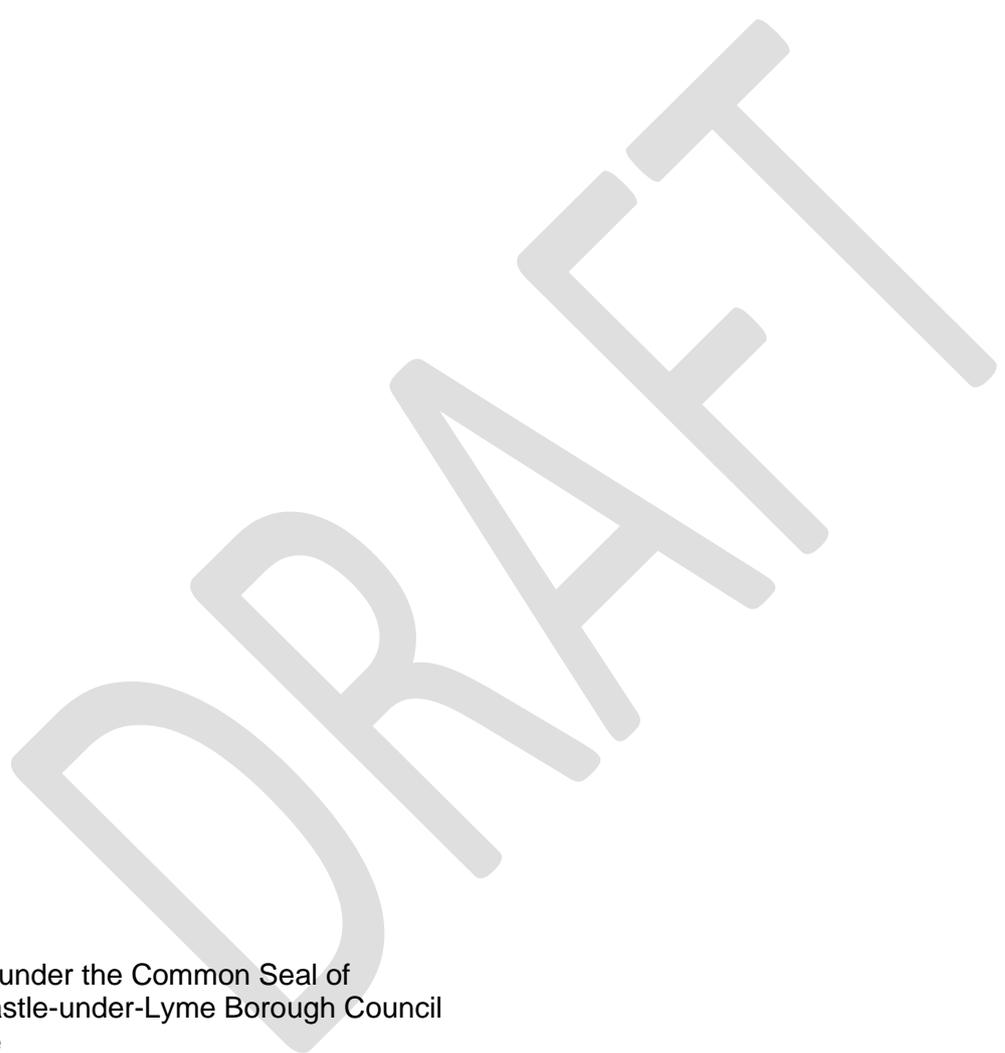
1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting access to the public rights of way listed. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
 - a. Obstruct any authorised officer in the proper execution of their duties;

APPENDIX 4

- b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
- 4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

APPENDIX:

A street plan of Newcastle-under-Lyme Borough Council, for 'Newcastle 132', 'Newcastle 143' and 'Kidsgrove 19' shown in red.



Given under the Common Seal of
Newcastle-under-Lyme Borough Council
On the

.....day of2019

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed
In the presence of:

..... Authorised Officer

..... Designation

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)
AREA of NEWCASTLE 132 (“the Exclusion Zone”)**

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)
AREA of NEWCASTLE 143 (“the Exclusion Zone”)**

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)
AREA of KIDSGROVE 19 (“the Exclusion Zone”)**

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Public Spaces Protection Order consultation 2023

There were 32 responses, overall, and respondents could choose to answer about one, two or three zones. Several respondents did respond about both of the Newcastle zones, but there was little engagement with the Kidsgrove zone.

1) Are you a....?

93 per cent of respondents were residents of the borough, with seven per cent (two respondents) councillors and three per cent (one respondent) employed in the borough. There were no responses from visitors, local business owners/managers or representatives of voluntary/community groups.

Note that respondents could choose as many answers as they wanted, hence the above totals adding to more than 100 per cent.

2) Kidsgrove 19:

There were only four responses to the Kidsgrove section. For the first and last questions, three of the four respondents gave positive responses, and in the middle two questions two of the four did.

	Yes	No
Do you agree that there has been and/ or there is ongoing anti-social behaviour and crime and dis-order around the locations gated?	3 / 75%	1 / 25%
Do you believe that if the gates are not in place that anti-social behaviour and / or crime and disorder could take place?	2 / 50%	2 / 50%
Does the gating at this location provide you with reassurance and security?	2 / 50%	2 / 50%
Do you support the gating at this location to be partially closed between 6pm and 8am daily?	3 / 75%	1 / 25%

3) Newcastle 132

There were 28 responses to this section, more than the other two. For each of the questions a majority gave positive responses, in particular the first two questions.

	Yes	No
Do you agree that there has been and/ or there is ongoing anti-social behaviour and crime and dis-order around the locations gated?	23 / 82%	5 / 18%
Do you believe that if the gates are not in place that anti-social behaviour and / or crime and disorder could take place?	19 / 68%	9 / 32%

Would gating at this location provide you with reassurance and security?	16 / 57%	12 / 43%
Do you support this public right of way being gated permanently?	16 / 57%	12 / 43%
Do you support this public right of way being redirected along Honeywood onto the park or along Honeywood and then onto Fairlawns onto the park in order to regain access to Newcastle 132?	16 / 57%	12 / 43%

4) Newcastle 143

There were 12 responses to this section and, for each of them, the majority gave positive answers, in particular the final question.

	Yes	No
Do you agree that there has been and/ or there is ongoing anti-social behaviour and crime and dis-order around the locations gated?	7 / 58%	5 / 42%
Do you believe that if the gates are not in place that anti-social behaviour and / or crime and disorder could take place?	8 / 67%	4 / 33%
Does the gating at this location provide you with reassurance and security?	8 / 67%	4 / 33%
Do you support this public right of way being gated permanently?	9 / 75%	3 / 25%

Age profile

The consultation attracted more members of the older age groups - 60 per cent of respondents were aged over 50.

Age group	Percentage of respondents
Up to 30	10%
31 to 40	13%
41 to 50	17%
51 to 60	27%
61 to 70	20%
71+	13%

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report for Public Protection and Licensing Committee – April 2023

<u>HEADING</u>	Public Space Protection Orders: Parks and Open Spaces
<u>Submitted by:</u>	Michelle Hopper, Mobile Multi Functional Manager
<u>Portfolio:</u>	Sustainable Environment and Operations
<u>Ward(s) affected:</u>	All

Purpose of the Report

To advise members of options and to seek permission to consult residents on revised Public Spaces Protection Orders for parks and open spaces in relation to dog control and anti-social behaviour.

Recommendations

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

Reasons

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

1. Background

- 1.1. Since November 2017 a number of 'Dog Control' orders have been in force, which apply in a variety of locations across the borough. These were then reviewed in 2020. The current orders are due to expire in November 2023 and we are now looking to review those in place. We are also using this 'review' as an opportunity to scope and develop the Public Space Protection Order to cover a number of community safety and anti-social behaviour related controls as these are often specific to our parks and open spaces.
- 1.2. A PSPO are intended to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable. The PSPO can impose restrictions on the use of that area which apply to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
- 1.3. Alcohol Prohibition Zones have been previously introduced on parks and open spaces to help reduce anti-social behaviour. However, these were now renewed as part of the legislative changes in 2014 and therefore we no longer have any alcohol prohibition zones in our parks and open spaces. The drafted PSPO as shown in appendix A hope to include controls for behaviours that are problematic for our parks and open spaces and assist with ensuring that these spaces are used in the correct manner.

1.4. ASB statistics:

71 reports of alcohol related asb
242 relate to youth and intoxicating substances
38 incidents relate to parks and open spaces.

- 1.5. The Council can make a PSPO on any public space within its own area but before doing so it must consult with the Local Police. The Council must also consult whatever community representatives it thinks appropriate. This could relate to a specific group, (for instance a residents' association), or an individual or group of individuals, (for instance, regular users of a park).
- 1.6. Before making a PSPO, the Council also has to publish the draft order in accordance with regulations made by the Secretary of State. An interested person can challenge the validity of a PSPO in the High Court on two grounds: (1) that the Council did not have the powers to make the order or to include prohibitions or requirements, or (2) that one of the requirements (for instance, consultation) had not been complied with. An 'interested person' means an individual who lives in the restricted area or who works or regularly visits that area.
- 1.7. If adopted a PSPO can operate for a maximum of three years. It may be refreshed for a further period, but only after a review and consultation exercise confirms there remains a need for the control.

2. **Issues**

- 2.1. Key considerations will be:
- 2.1.1. The Evidence Base for Making a PSPO.
 - 2.1.2. Finance & Resources.
 - 2.1.3. Residents' Expectations & Authority's Priorities / Capacity.

The Evidence Base for Making a PSPO

- 2.2. The Authority is obliged to make proportionate and reasonable use of its powers and should reflect if there is the need to introduce a control. Our current evidence is that although there is generally a high level of compliance with present controls, dog related complaints still represent a considerable caseload for the authority with 362 complaints passed to the Council's dog wardens and 78 relating to dog fouling. In addition to this Streetscene have had 84 reports in regards to the removal of dog fouling. We also know that there are ongoing concerns around anti-social behaviour in our parks and open spaces, including graffiti, underage drinking and other types of behaviours that are likely to cause alarm, harassment and distress to users of the park. The proposed consultation will help clarify if our residents believe there is an issue which needs to be addressed.

Finance & Resources

- 2.3. Permanent signage cost is dependent upon which controls are adopted and where they are applied. Signage must contain the date the Order becomes effective, so would have a maximum life of three years. The typical cost of placing an A5 sized permanent sign would cost £30-£35 (excluding installation)¹. The cost of adding new signs purely relating to dog controls at each entrance to the key locations listed for exclusions or dogs on leads controls is to be scoped and options considered i.e.; permanent signs,

¹ Price based on composite signs attached with metal clips.

temporary signs. There is an option for this information to be contained on other signage at these locations e.g. park notice boards, and officers will look if there is a more cost effective way to promote controls at these locations.

- 2.4. The level of signage required will depend on public support for proposals. Costed options in respect of signage will be produced for CLT & Members in a future report.
- 2.5. The annual cost of sign replacement will depend on the resilience of signs initially placed and the level of vandalism. Signs may need to be replaced if damaged.
- 2.6. If controls cease, there is a risk that with the removal of potential penalties, some currently compliant dog owners may adversely change their behaviour – for example opting not to remove fouling. Whilst savings on enforcement could be made, there is likely to be a net cost to the Authority with increased numbers of complaints and action needed to maintain the cleanliness of public places.

Residents' Expectations & Authority's Priorities

- 2.7. Whenever any form of dog related control is considered the Authority receives considerable feedback from its residents and animal welfare charities and needs to balance the needs of its dog owning residents with the expectations of the broader community. As part of this review the PSPO's will also cover some community safety elements again taking into consideration complaints received from members of the public. Either adopting or ceasing controls will initially be contentious.
- 2.8. Key corporate priorities are currently:
 - Priority Three: healthy, active and safe communities
- 2.9. Setting and policing rules in relation to any adopted order in regards to compliance will encourage residents to make full use of them – running, walking, cycling, using play equipment etc. which aligns to priority three.
- 2.10. Rules in relation to dog control, specifically fouling and the failure to remove dog faeces also relate to priority three.

3. Proposal and Reasons for Preferred Solution

- 3.1. Members are asked to approve consultation be started on a public spaces protection order for Parks and Open Spaces, as proposed in Appendix A.
- 3.2. If approval is given, Members will then be requested to consider an updated proposal, taking into account representations made through the consultation process, in summer 2023, with a view to new controls becoming operational from November 2023.
- 3.3. The proposals, as currently drafted, best match current dog controls and will benefit from additional controls in relation to community safety. Additional elements within the proposals in respect of maximum numbers of dogs in specific locations and the new requirement to carry a bag reflect complaints / pressure from residents.
- 3.4. The controls are currently drafted to be as flexible as possible and enable the Authority to effectively target enforcement. The proposed controls are considered suitable for our current needs and for up to three years when they must be reviewed again.
- 3.5. This is considered an 'invest to save' project, which should improve the cleanliness and safety of public places.

4. Alternative Options Considered

- 4.1. Should Members wish to consider an alternative course of action the following options are available:
- 4.1.1. Take No Action.
- Allow the current Dog Control orders to cease in October 2023 and not be replaced. Remove all current dog restrictions and cease all dog related enforcement activity – e.g. fouling patrols, exclusions from children’s playgrounds, requirements for dogs to be on leads in cemeteries.
 - Removing controls would eliminate the need for complaint investigation and enforcement, with potential savings, however, removing the risk of enforcement may result in the standards of some public places reducing, increase conflict between dog owners and those not owning a dog, and potentially require more ‘clean-up’ resources.
- 4.1.2. Request the proposed controls be amended prior to consultation.
- Members may wish to change the proposed scope of the controls – for example omit specific controls such as requirement to carry bags, or limits to the number of dogs which may be walked in specific areas
 - Members may also to include other controls to take other behaviours that are not currently in scope for the order. These controls would need to be proportionate to the location and be based on an evidential need for these controls to be put in place.
 - Members may wish to consider if the types of locations where the controls apply should be amended. Members are reminded that they can make representations in respect of specific locations in their ward, if approval is gained, to further consult. Members will have further opportunity to amend proposals on receipt of a second report in summer 2023.

5. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 5.1. The proposed PSPO sets ‘rules’ so that all residents can see what the Council expects
- 5.2. Controls of this nature are necessary if the Authority wishes to maintain the safety and cleanliness of its public places

6. Legal and Statutory Implications

- 6.1. The Authority is not obliged to adopt a PSPO. If it chooses to do so it has full control over their scope. The Authority is obliged to consult on any proposals and needs to be able to defend its controls if challenged.
- 6.2. PSPOs can be challenged through the High Court if their creation is not in accordance with Statute and Regulation and due process has not been followed.

7. Equality Impact Assessment

- 7.1. The recommendations in this report do not adversely affect any protected groups.
- 7.2. Those needing an assistance dog are defined in the Antisocial Behaviour, Crime and Policing Act 2014 as exempted from the PSPO requirements.

8. Financial and Resource Implications

- 8.1. The Authority is obliged to publicise controls and to ensure that appropriate signs are displayed. Signage would have a maximum life of 3 years. It is envisaged that signs in some locations may need regular replacement as a result of removal or vandalism.

- 8.2. The workload of initially adding signs would be considerable. If existing staff were used this would impact on their ability to deliver normal services and therefore sites may need to be prioritised on this basis.
- 8.3. Any changes to dog related controls are likely to generate considerable interest with an increased volume of calls, emails and visits requiring a response from staff this would be dealt with by the Customer Hub.
- 8.4. There is an expectation that enhanced enforcement would follow the implementation of revised controls. This work will be undertaken under the Mobile Multi- Function Team although there would be support from Staffordshire Police in relation to the Alcohol Prohibition locations.
- 8.5. Financial implications need to be considered for the purchase and installation of signage to promote the PSPO. Options are being scoped as to what will work best including communications promotion, temporary signage and permanent signage.

9. Major Risks

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

10. Key Decision Information

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

11. Earlier Cabinet/Committee Resolutions

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

12. List of Appendices

- 12.1. Appendix A: Draft PSPO
- 12.2. Appendix B : List of parks and open spaces.

13. Background Papers

- 13.1. Antisocial Behaviour Crime & Policing Act 2014
<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/enacted>
- 13.2. Guidance in respect of PSPOs
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

- 13.3. Further details on proposals and frequently asked questions
www.newcastle-staffs.gov.uk/dogcontrols
- 13.4. Requirements in respect of publicising public space protection orders
http://www.legislation.gov.uk/ukxi/2014/2591/pdfs/ukxi_20142591_en.pdf
- 13.5. Amendment to scheme of delegation granting Public Protection Committee power to make public space protection orders.
<http://moderngov.newcastle-staffs.gov.uk/documents/s13554/Cabinet%20Report%20-%20ASB%20Legislative%20changes%20-%20Oct%202014%20v18%20021014.pdf>

The Anti-Social Behaviour, Crime and Policing Act 2014
Public Spaces Protection Order
(The Borough Council of Newcastle-under-Lyme) 2023 – No. 4 of 2023

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

1. This Order comes into force on 16th November 2023 and shall have effect for a period of three years from the date thereof (unless it is extended pursuant to Section 60 of the Act).
2. This Order applies to the areas within the Borough of Newcastle as specified in the Schedule to this Order being public spaces in the Council’s area to which the Act applies (‘the Restricted Areas’).

BY THIS ORDER

3. The effect of this Order is to impose the following prohibitions and/or requirements in the Restricted Areas at all times: -

3.1 Alcohol

- Any person is prohibited from having an open alcohol container in his/her possession;
- Any person is required to surrender any open alcohol container in his/her possession when required to do so by an Authorised Officer of the Council or Staffordshire Police.

3.2 Dog Fouling – failure to remove dog faeces

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

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

3.3 Dogs on Leads by Direction

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

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

or

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

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

3.4 Dogs on Leads

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

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

or

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

3.5 Dog Exclusion Areas

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

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

or

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

3.6 Maximum six dogs

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

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

or

- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

3.7 Means to pick up dog fouling

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

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

or

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

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

Exemptions and Definitions

- i) Part 3.2 – 3.7 of this order shall not apply to a person who:
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - (c) has a disability which affects his/her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.
- ii) For the purpose of this Order:
 - (a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
 - (c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
 - (d) “an authorised officer of the Authority” means an employee, partner agency or contractor of Newcastle-under-Lyme Borough Council who is authorised in writing by

Newcastle-under-Lyme Borough Council for the purposes of giving directions under the Order.

(e) Each of the following is a "prescribed charity" -

- Dogs for the Disabled (registered charity number 700454)
- Support Dogs Limited (registered charity number 1088281)
- Canine Partners for Independence (registered charity number (803680)
- Dog A.I.D (Registered Charity Number 1124533)
- Medical Detection Dogs (Registered Charity 1124533)

Restrictions and Penalty

- i) The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the above activities. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- ii) It is an offence for a person without reasonable excuse to engage in activity which is prohibited by this Order.
- iii) No person shall:
 - a. obstruct any authorised officer in the proper execution of their duties;
 - b. obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
- iv) A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

By resolution of the Borough Council of Newcastle-under-Lyme dated 16th November 2023

The Common Seal of the
Borough of Newcastle-under-Lyme
hereunto affixed this....day of2023
in the presence of

Councillor

Authorised Signatory

SCHEDULE 1 (Dogs on Leads)

This order applies to all:

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

SCHEDULE 2 (Dog Exclusions)

This order applies to:

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

SCHEDULE 3 (Maximum Six Dogs)

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

Explanatory Note

Further information in respect of this order is published at www.newcastle-staffs.gov.uk/dogcontrols

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Classification: NULBC UNCLASSIFIED												
Reference	Location Name	Location Address	Nearby Postcode	Code	Enclosed play equipment	Ball games grass	Bookable Sports Pitch / Court	Dog Exclusion	Dogs On Lead	Access Points	Owner	
	Acacia Ave, Pitch	Acacia Ave, Knutton				Y	Z			N		
	Acacia Ave, Play Equipment	Acacia Ave, Knutton	ST5 6DF	LEAP	y							
	Apedale Community County Park											
	Arnold Grove Park											
	Arnold Grove Play Equipment			NEAP	y							
	Attwood Street Play Equipment	Kidsgrove	ST7 4AR	Other	y							
	Audley Road Play Equipment	Waterhayes	ST5 7TN		y							
	Back Lane	Park Road, Silverdale	ST5 6LP									
	Back Lane Play Equipment	Park Road, silverdale		LEAP	y							
	Bamber Place Play Equipment	Bamber Place, Chesterton	ST5 7PG	LEAP	y							
	Barbridge Open Space	Ludford Close, Waterhayes	ST5 7SD									
	Barbridge Road Play Equipment	Ludford Close, Waterhayes			y							
	Bateswood Country Park											
	Bathpool Park	Westmoreland Avenue										
	Bathpool Park Play Equipment	Boathorse Lane		NEAP	y							
	Bathpool Rugby Pitch			Pitch x1		Y	Y					
	Beattie Avenue	Beattie Avenue		LAP								
	Bellway Homes x4											
	Birchall Play Equipment		ST7 4JU	Other	y							
	Birchenwood County Park											
	Birchenwood Open Space											
	Birchenwood Play Equipment		ST7 4AY	Other	y							
	Birchenwood Sports Pitch			Pitch x10		Y	Y					
	Black Bank Pitch	Black Bank, Knutton		Pitch x2		Y	Y					
	Bluebell Drive Play Equipment			Other								
	Bradwell Hospital	Knye Way										
	Bradwell Lodge Park											
	Bradwell Lodge Play Equipment			LEAP	y							
	Bradwell Park	Oldcastle Avenue, Bradwell										
	Brampton Park	Brampton Road		LEAP	y			N	N	Open	NBC	
	Burntwood View Play Equipment	Burntwood View, Loggerheads		LEAP	y							
	Knutton Cemetery	Cotswold Avenue, Knutton										
	Chester Road Pitches	Chester Road, Talke		Pitch x1		Y	Y					
	Chester Road Play Equipment	Chester Road, Talke	ST7 1SN	LEAP	y							
	Chesterton Park	London Road, Chesterton	ST5 7LP									
	Chesterton Park Open Space		ST5 7LP									
	Chesterton Park Play Equipment		ST5 7LP	NEAP	y							
	Cheswardine Drive Play Equipment	Bradwell		LEAP	y							
	Clough Hall Park Open Space		ST7 1DW									
	Clough Hall Park Pitch		ST7 1DW	Pitch x2		Y	Y					
	Clough Hall Park Play Equipment		ST7 1DW	NEAP	y							
	College Gardens Play Equipment	Daltry Way, Madeley	CW3 9JB	LEAP	Y							
	Cotswold Ave Play Equipment	Cotswold Avenue, Knutton	ST5 6HP	LEAP	y							
	Crackley Bank Open Space	Crackley Bank										
	Crackley Bank Pitch	Crackley Bank		Pitch x1		Y	Y					
	Crackley Fields Play Equipment	Crackley Bank		LEAP	y							
	Dales Green Play Equipment	Mow Cop	ST7 4RH	LEAP	y							
	Douglas Road Ball Park	Douglas Road, Cross Heath										
	Douglas Road Open Space	Douglas Road, Cross Heath										
	Douglas Road Play Equipment	Douglas Road, Cross Heath	ST5 9AL	NEAP	y							
	Football Ground (Jollies)	Church Street, Silverdale										
	Gloucester Road Play Equipment			LAP								
	Gurnsey Drive Play Equipment	Westlands		LEAP	y							
	Heath Row	Madeley Heath										
	Hollins Playing Field	Beech Drive, Clough Hall										
	Ickey Picky - Pitches											
	Ickey Picky - Play Equipment		ST5 9PT	LEAP	y							
	Ilkley Place Open Space	Ilkley Place, Parksite			y							
	Ilkley Place Play Equipment	Ilkley Place, Parksite	ST5 6QP	NEAP	Y							
	Ironbridge Drive Play Equipment	Ironbridge Drive, Silverdale	ST5 6ER	LEAP	y							
	Keele Cemetery											
	Keele University											
	Lockwood Street Play Equipment	Lockwood Street, Newcastle		LEAP	y							
	Long Lane Play Equipment	Laurel Drive / Cottonwood Grove,	ST7 4UG	Other	y							
	Loomer Road Play Equipment	Loomer Road, Chesterton	ST5 7LL		y							
	Lower Milehouse Lane Pitch	Cotswold Avenue, Knutton		Pitch x3		Y	Y					
	Lyme Valley	Buckmaster Avenue, Clayton		LEAP	y							
	Lyme Valley											
	Lyme Valley Pitch	Lyme Valley		Pitch x2		Y	Y					
	Lyme Valley, Remploi	London Road, Newcastle		NEAP								
	Lymevalley Rugby Pitch			Pitch x1		Y	Y					
	Madeley Pool											
	Meadow Lane Open Space	Meadow Lane, Cross Heath	ST5 9AH	NEAP								
	Meadow Lane Play Equipment	Meadow Lane, Cross Heath	ST5 9AH		y							
	Mitchelin Sports Centre											

