

Public Document Pack

Date of meeting Tuesday, 5th September, 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 - 10)
- 4 BUSINESS AND PLANNING ACT 2020 UPDATE (Pages 11 - 14)

PUBLIC PROTECTION COMMITTEE

- 5 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS
To receive declarations of interest from Members on items contained within the agenda
- 6 RENTERS' (REFORM) BILL (Pages 15 - 18)
- 7 REVOCATION OF LITTLE MADELEY AIR QUALITY MANAGEMENT AREA (Pages 19 - 26)
- 8 PUBLIC SPACE PROTECTION ORDER - GATING CONSULTATION UPDATE (Pages 27 - 50)
- 9 UPDATE ON RESULTS OF TAXI LICENSING APPEALS (To Follow)

10 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

(Pages 51 - 52)

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

PART 2 - CLOSED AGENDA

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 :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

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

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

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

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

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

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

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

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Agenda Item 3

Licensing & Public Protection Committee - 04/07/23

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 4th July, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Andrew Parker (Chair)

Councillors:	Whieldon	Adcock	J Williams
	Barker MBE	Dymond	G Williams
	Heesom	Wright	Brown
	Skelding	Allport	

Apologies: Councillor(s) S White, Sweeney and Wilkes

Substitutes: Councillor David Hutchison (In place of Councillor Stephen Sweeney)
Councillor Gillian Burnett -Faulkner (In place of Mayor - Councillor Simon White)

Officers:	Geoff Durham	Civic & Member Support Officer
	Nesta Barker	Service Director - Regulatory Services
	Anne-Marie Pollard	Solicitor
	Michelle Hopper	Mobile Multi-Functional Manager

Also in attendance:

1. **APOLOGIES**

There were no apologies.

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

There were no declarations of interest stated.

3. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 10th May 2023 be agreed as accurate record.

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

Resolved: That the minutes of the Licensing sub-committee meeting held on 10th May 2023 be received.

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

There were no declarations of interest stated.

6. FOOD SAFETY SERVICE PLAN 2023/24 & REVIEW OF PERFORMANCE 2022/23

The Service Director for Regulatory Services introduced the Food Safety Plan for 2023-24 setting out the work to be carried out by the Food and Safety Team, in accordance with the Food Standards Agency framework agreement and statutory Code of Practice on official food controls by local authorities.

Questions were raised and responses were provided as follows:

- Referring to section 6.1 of the report Cllr Hutchison wished for the inspection team to be congratulated for achieving 100% inspections completed on time over the year. Were the premises that gave the 0.4 rating still trading and should the Council be worried about them? – Food hygiene rating scores were publicly available and uploaded every week to the Food Standards Agency website where information about the premises could be found - <https://ratings.food.gov.uk/>. The Council could help, support and advise businesses depending on the seriousness and nature of the problem, or take enforcement actions.
- Cllr Whieldon asked if the premises were required to display the ratings. – While the ratings were available on the Food Agency website, businesses were not required to display the information themselves.
- Cllr J. Williams wondered if more information could be given about the complaints figures. – People were able to report issues about both the quality of the food and the level of hygiene. This could be done by contacting the food establishment or through Council's portal.

Resolved: That the Food Safety Service Plan for 2023-24 be received and endorsed.

[Watch the debate here](#)

7. UPDATE ON RESULTS OF TAXI LICENSING APPEALS

The Service Director for Regulatory Services updated members on the results of the latest Taxi Licensing Appeals following decisions made by the Council.

Questions were raised and responses were provide as follows:

- Cllr J. Williams asked if there was any reason why there were seven outstanding appeals. – Any applicant had the right to appeal and was able to continue trading during the appeal process although the cost of appealing was significant.
- Cllr Dymond asked if applicants paid the costs when appeals confirmed the Council's decisions. – They did indeed.
- Cllr Brown asked what happened when applicants lost the appeal but didn't have the budget to pay the costs. – A payment plan was agreed with the Court. It could take longer for the Council to recoup the money.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

8. PROPOSED CHANGES TO FIXED PENALTY NOTICES (FPNS)

The Mobile Multi-Functional Manager presented her report on the proposals to review the penalty for Section 34(2A) of the Environmental Protection Act 1990 (EPA 1990) and Section 33 of the EPA 1990, as well as to implement the use of Section 46A of the Environmental Protection Act 1990. The purpose of the proposals was to tackle a long standing issue of household refuse and recycling bins being left on streets.

Comments were made and responses were provided as follows:

- Cllr Brown thanked the team for the report and proposals.
- Cllr Adcock wished to know if appliances left on the pavement in Silverdale would be subject to a fine. – Indeed and residents would need to be educated on what could be tolerated and what could not.
- Cllr Whieldon expressed the need for policies to be aligned with neighbouring authorities and for education to start with children at school. – It was confirmed that an environmental Enforcement Education Program was undertaken with schools.
- Cllr J. Williams asked about the practicality of moving the bins and what officers were trying to achieve. – The plan was to start with hot spots and members may be asked to help communicate with their residents and open the conversation about duty of care. The approach would be to educate first, then issue a warning, then follow up with an official notice and finally issue a fixed penalty in case of breach of that notice.
- Cllr J. Williams wondered where the Council stood with regard to alleyways and bins not taken back by residents. – The behaviour around alleyways needed to be reviewed, including fly tipping. Residents were not always aware about their responsibilities.
- Cllr Barker asked if there was a plan for cases where residents were putting their bins out two days before collection. – Again, this was down to education. Cllr Whieldon commented there should be some leeway for changes in timetables.
- Cllr Hutchison reported that six new drivers were appointed and some of the loaders were upgraded which would allow for more flexibility in the refuse collection. External agencies would also be used as required to bring temporary workers in.
- Cllr Barker complained about the mess left after recycling was being picked up. – Refuse that fell on the pavement was being picked up by the team and street cleaning was following up with litter picking. Members wishing to raise issues could do so with the head of service.
- The Chair asked how long would residents have to retrieve what hasn't been collected and if it wouldn't be better to have the information available on the website rather than printing out leaflets for all the borough. – The information

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and guidance would be put online and leaflets would only be used for hot spots location with particular problems as an educational tool.

- The Chair expressed concerns over requesting from members to go and distribute leaflets in their ward which would require physical fitness. – Officers would report back to the Committee about progress made in drafting the policies.
- Cllr Wright raised the case of some University students who could benefit from receiving education with regard to the bins. – It was confirmed Keele University was on board.
- Cllr Dymond asked if members could have a say on how many leaflets were needed in their area. – Assessing the needs would indeed be done in partnership with whoever was keen to get involved.
- Cllr Heesom suggested to put stickers on bins and expressed concerns over temporary residents. – This was something to be introduced as part of the plan along with educating everyone.

Resolved: That the review of the Fixed Penalty Notices (FPNs) and support to the implementation of Section 46A EPA 1990 be approved in principle.

[Watch the debate here](#)

9. PUBLIC SPACE PROTECTION ORDERS: PARKS AND OPEN SPACES

The Mobile Multi-Functional Manager presented her report on the results of the six weeks consultation with regard to the Public Space Protection Orders for Parks and Open Spaces. Proposals about alcohol prohibition zones and dog control had been included and 22 responses were received.

Questions were asked and responses were provided as follows:

- The Chair commented that only dog exclusion and dog on lead were mentioned in the appendix. What about where dogs were allowed to be off the lead? – The report focused on where prohibitions applied, the main concern being the protection of the public or vulnerable wild life. Areas where no restrictions were in place were not listed.
- Cllr Brown said that in semi-rural areas there was a culture of letting dogs go around without lead and their fouling wasn't necessarily picked up; how do you enforce for people to be carrying bags and clean after their dog? – The Mobile Multi-Functional team was looking to immobilize and upscale and multi-skill a number of uniformed officers to do this enforcement around various environmental offenses.
- Cllr G. Williams wondered why dogs were allowed at all on football pitches. – It would be difficult to enforce a dog total exclusion as this would be dependent on line marking however if members were in agreement with the suggestion this could be submitted to the public as part of the next consultation phase.
- Cllr J. Williams felt that a number of areas were missed off and asked whether community representatives referred to under paragraph 1.5 page 44

could include councillors. – The plan was to upskill members of the team to allow them to be multifunctional and increase officers' presence to carry out enforcement actions with regard to littering, parking and other environmental offenses. Councillors were welcome and advised to take part in the consultation process. While the appendix only listed areas where dog were either excluded or should be on lead, people should still pick up after their dog in other areas.

- Cllr Burnett-Faulkner made reference to dog poo bag stations in Lincolnshire and suggested that football pitches and children playgrounds should be treated the same when it comes to dog fouling; another issue to be considered was that of antisocial behaviour targeting play areas at night. – It was confirmed that excluding dogs from football pitches could be suggested in the consultation and that training about notably fixed penalties was being provided to the team to address antisocial behaviour.
- Cllr Adcock commented that the consultation question about dogs to be excluded from open spaces owned by parish and town councils was too vague; would it be possible to make it more specific in the next phase of the consultation? – Officers would take the request into account.
- The Chair asked how much would be put into this to be policed. It was important for dogs to be able to run off lead, which was good exercise, while ensuring that their fouling was picked up. More bins at a walking distance would be a first step. – Enforcement would be shortly rolled out targeting hot spots locations and education of the public would need to coincide with any protection order.
- Cllr Whieldon regretted that the dog license did not apply anymore as the fee would cover the dog bags and make the owners more traceable.
- Cllr J. Williams asked if the proposals included County Council land. – Apedale Community County Park was on the list.
- Cllr Dymond asked about the prohibition of drinking and the need to police areas which were littered as a result of people drinking. – Following changes in legislation in 2014 there were no alcohol prohibition zones anymore outside of public space protection orders which the proposals aimed to re-introduce. Members of the public were encouraged to report any incidences to give a reflexion of the problem.
- The Chair asked if re-assurance could be given that the comments raised at the meeting would be taken into account in the next stage of the consultation. – The latter could be tweaked with areas on the list to be discussed further with members regarding their specific localities.

Resolved: That the final consultation on a proposed public spaces protection order as detailed in Appendix A be approved.

[Watch the debate here](#)

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

Resolved: That the minutes of the Public Protection sub-committee meeting held on 7th June 2023 be received.

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11. URGENT BUSINESS

There was no urgent business.

12. DISCLOSURE OF EXEMPT INFORMATION

There were no reports likely to disclose exempt information.

Resolved: That the public be excluded from the meeting during consideration of matter likely to disclose exempt information as defined in paragraphs 1, 2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972.

**Councillor Andrew Parker
Chair**

Meeting concluded at 8.32 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee
05 September 2023

Report Title: Business and Planning Act 2020 Update

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform members of updates relating to the Business and Planning Act 2020, and relevant Regulations, which relates to the relaxations in respect of pavement licences and off-sales of alcohol.

Recommendation

That Members:

- 1. Note the proposed amendments to the Business and Planning Act 2020 and contents of the Regulations.**
- 2. Note that all Pavement Licences will be granted to expire on 30th September 2024.**
- 3. Note that the relaxation to allow premises to have 'off-sales' has been extended to 31st March 2025**

Reasons

The Business and Planning Act 2020 received Royal Assent on 22nd July 2020. Various subsequent Regulations have been laid down extending the provisions that relate to Pavement Licensing.

1. Background

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

1.2 The provisions included:

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

1.3 The Act originally included temporary measures up to 30th September 2021 to support businesses selling food and drink through economic recovery as lockdown restrictions were lifted but social distancing guidelines remained in place. The temporary measures were extended to expire on 30th September 2022 and then subsequently 30th September 2023.

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

2. **Issues**

- 2.1 The Council currently has 16 premises that have been granted a Pavement licence. There are an additional 4 that were issued but have since lapsed and a number of applications rejected on the basis of either being in unsuitable locations, or the applicant not providing the requisite documentation. The main reason for rejecting the applications is that the proposed locations of the outside areas were on private land and not public highway.
- 2.2 The Levelling Up and Regeneration Bill, which is currently working its way through both Houses, is seeking to make the Pavement Licensing regime permanent with a few minor amendments. Due to the length of time it is taking for the Bill to be finalised the Government have announced that to continue to support businesses they will be extending the provisions for Pavement Licences to end on 30th September 2024.
- 2.3 There are currently no formal provisions to renew a licence however if there are no amendments to be made the Licensing Department the implement a ‘renewal’ process where the licence holder confirms nothing has changed rather than ask them to apply anew. Where the premises proposes amendments they will have to apply anew.
- 2.4 The timescales for consultation and determination of a licence application are short and effect all applications. The applicant must post a notice on the premises on the same day as the application is made. The notice must be in place for a consultation period of 5 working days beginning with the day after the day the application is submitted. The Council must publish the application on its website and allow people to comment during the 5 working days consultation period. The Council must consult with the highway authority and ‘such other persons as the local authority considers appropriate’ e.g. police and residential neighbours. The Council must determine the application within a period of 5 working days beginning with the first day after the consultation period. If the Council does not determine the application within this period, the pavement licence will be deemed as granted.
- 2.5 There are a number of premises that benefit from the current off-sales relaxation which was due to expire on 30th September 2023 and if they had wanted to continue to benefit then they would have needed to make an application to the authority to vary their existing premises licence. On 14th August 2023 the Home Office announced that this relaxation would be extended until 31st March 2025 to allow for a permanent solution be explored.

3. **Proposal**

3.1 That members:-

- a) Note the proposed amendments to the Business and Planning Act 2020 and contents of the Regulations.
- b) Note that all Pavement Licences will be granted to expire on 30th September 2024.
- c) Note that the relaxation to allow premises to have ‘off-sales’ has been extended to 31st March 2025

4. **Reasons for Proposed Solution**

4.1 Government have laid regulations to extend the provisions in relation to pavement licences.

4.2 The Council needs to continue with a mechanism in place for determining pavement licensing applications.

5. **Options Considered**

5.1 Members could decide not to approve that pavement licence applications can be issued with an expiry date of 30th September 2024. Any application received would then have to reapply in October 2023 which would add burden onto the businesses and Council.

6. **Legal and Statutory Implications**

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

7. **Equality Impact Assessment**

7.1 There are no issues arising from this report.

8. **Financial and Resource Implications**

8.1 The Council can charge a fee of up to £100.00 per pavement licence application. In August 2020 the Committee agreed to waive this fee.

9. **Major Risks**

9.1 The risk of not accepting the recommendation is that the Council will have overly burdensome processes for dealing with applications.

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

10.1



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 4th August 2020 – Licensing & Public Protection Committee

12.2 27th July 2021 - Licensing & Public Protection Committee

12.3 18th October 2022 - Licensing & Public Protection Committee

13. **List of Appendices**

13.1 None

14. **Background Papers**

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

- 14.2 [The Business and Planning Act Guidance for Pavement Licences](#)
- 14.3 [Business and Planning Act 2020 \(Coronavirus\) \(Amendment\) Regulations 2021](#)
- 14.4 [Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2022](#)
- 14.5 [Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023](#)

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee
05 September 2023

Report Title: Renters' (Reform) Bill
Submitted by: Service Director - Regulatory Services
Portfolios: Community Safety and Wellbeing
Ward(s) affected: All

Purpose of the Report

To advise members of the Renters' Reform Bill's which is currently progressing through Parliament.

Recommendation

That Public Protection Committee:

1. Note the progress of the Bill and the likely impacts on tenants, Newcastle Housing Advice and our enforcement functions.

Reasons

To prepare for the requirements of new legislation.

1. **Background**

- 1.1 In June 2022 the Government published its White Paper "[A fairer private rented sector](#)" with an aim to offer a New Deal for people living in the Private Rented Sector.
- 1.2 The White Paper outlined 5 ambitions and a 12-point plan of action to achieve those ambitions. It promised to address these through a Renters' Reform Bill, and to "create a Private Rented Sector that is fit for the 21st century, with equal access to decent rented properties across the country and the security for tenants to make their house a home."
- 1.3 Following several delays, the Bill was published on 17th May 2023 and is awaiting its second reading. This is likely to be autumn 2023.

2. **Issues**

- 2.1 It was anticipated that the Bill would have dealt with the 12-point plan of action from the 2022 White Paper, but around 5 of these points are to be dealt with by later legislation. The Bill concentrates on contractual and lease arrangements, evictions, rent, pets and the creation of a Property Portal and Ombudsman scheme for the sector.
- 2.2 Commitments to improving living standards, strengthening enforcement when living conditions are of poor standard, or when the landlord is acting in a criminal manner, and bringing in a Decent Home Standard for Private rented homes will be implemented in future.

2.3 The Bill does include a clause (Clause 58) placing a new duty on all housing authorities in England to enforce landlord legislation in their areas. As the Bill does not address standards, this new duty is limited only to the element that the Bill does cover.

2.4 The Bill is at a very early stage, and much of it is written to enable the introduction of secondary legislation to give effect to its clauses.

2.5 The implications for tenants are:

- Tenancies should be more secure, and damaging aspects of unscrupulous behaviour will be better regulated, including greater security against eviction and better deposit protection.
- An opportunity to check that a potential new home is registered on a portal, and that all necessary safety paperwork is accessible.
- The right to keep a pet is introduced.
- No improvement in the quality and standard of living conditions will arise directly from the Bill

2.6 The implications for landlords are:

- Criminal and very poor landlords will find it more difficult to operate once all provisions of the Bill are introduced.
- The need to register all properties and associated paperwork on a landlord portal.
- Smaller landlords could find it difficult to operate economically within the more restrictive system that the Bill will bring, and many are already talking about moving out of the sector.
- Conversely, some small to medium sized professional landlords have commented that they do not anticipate the proposed new requirements to cause them difficulty.

2.7 The implications for Councils are:

- The disparity between well resourced and poorly resourced Council enforcement teams will have to be addressed to achieve consistency across England.
- Clause 58 will require all councils to take formal action for a range of new offences in relation to registration requirements for landlords, tenancy provisions, and harassment and unlawful evictions.
- A corresponding increase in activity in relation to poor living conditions may come along later, if the additional regulation of these matters goes ahead.
- If landlords choose to leave the sector it will increase the number of tenants being asked to leave their current home through the service of a notice. This is likely to increase homeless presentations to councils and will place additional pressure on social housing waiting lists.

Private rented Sector in Newcastle-under-Lyme:

2.8 Census information tells us that in 2021, 14.5% (8,190 properties) of Newcastle-under-Lyme 56,479 households rent privately. This figure increased from 10.5% in 2011. In 2021, just over one in six households (17.1%) lived in socially rented housing, compared with 18.7% in 2011. The percentage of Newcastle-under-Lyme households that owned their home (outright or with a mortgage or loan) decreased from 69.1% to 67.7%. The increase in the percentage of privately-rented homes in Newcastle-under-Lyme (4.0 percentage points) was similar to the increase across the West Midlands (3.9 percentage points, from 14.0% to 17.9%). Across England, the percentage increased by 3.6 percentage points, from 16.8% to 20.5%.

3. **Proposal**

3.1 That Public Protection committee note the progress of the Bill and the likely impacts on our services for enforcement requirements and Newcastle Housing Advice.

4. **Reasons for Proposed Solution**

4.1 To prepare for the requirements of new legislation.

5. **Options Considered**

5.1 The second reading of the Bill is expected autumn 2023, therefore there are no options to consider until further information is known on the progress and outcomes of the second reading.

6. **Legal and Statutory Implications**

6.1 The expected outcome of the Renters Reform Bill moving through parliamentary processes is that new legislation will be announced shortly. The legislation will place a duty on all local housing authorities to enforce the new requirements consistently for the benefit of tenants in the borough.

7. **Equality Impact Assessment**

7.1 The recommendations in this report do not adversely affect any protected groups.

8. **Financial and Resource Implications**

8.1 There is currently a clause in the legislation which will require all councils to take formal action for a range of new offences in relation to registration requirements for landlords, tenancy provisions, harassment and unlawful evictions. The Association of Chief Environmental Health Officers has identified that to sufficiently resource this work local authorities will need one enforcement officer per 800 private rented sector properties. With 8190 privately rented homes in the borough this would equate to 10 officers, the current number is 3. Funding arrangements to support the new legislation will be closely monitored through its remaining parliamentary processes.

9. **Major Risks**

9.1 There is a risk that landlords may choose to leave the sector rather than comply with new legislation. Previous legislation changes i.e. licensing of houses in multiple occupation saw some smaller landlords leave the sector but equally saw an increase in professional landlords and subsequently a rise in standards. The discussion from within the landlord professional groups will be monitored throughout the remaining passage of the bill.

9.2 The second major risk arising out of the legislation is that additional burdens are placed on the local authority without funding to deal with them. This relates both to enforcement and the risk from landlords choosing to leave the sector. Discussion regarding this aspect will also be closely monitored.

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

10.1 The bill should contribute towards the UN Sustainable Development Goals below:



11. **Key Decision Information**

11.1 This is not a key decision

12. **Earlier Cabinet/Committee Resolutions**

12.1 None

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 **The Bill page** - <https://bills.parliament.uk/bills/3462/publications>

14.2 The Parliamentary Briefing was published on 30th May 2023, and can be downloaded at this link - <https://commonslibrary.parliament.uk/research-briefings/cbp-8756/>

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee 05 September 2023

Report Title: Revocation of Little Madeley Air Quality Management Area

Submitted by: Service Director- Regulatory Services

Portfolios: Sustainable Environment

Ward(s) affected: Madeley & Betley

Purpose of the Report

To advise on the outcome of a four week consult on the making of an Order under the Environment Act 1995 to revoke the Little Madeley Air Quality Management Area and to recommend that the revocation order is accepted and confirmed

Recommendation

That Committee:-

1. Formally approves the Little Madeley Air Quality Management Area Number 4- Revocation Order 2023 and for this to take effect from the 6th September 2023.

Reasons

The revocation of the Little Madeley Air Quality Management Area is encouraged by DEFRA as the AQMA is no longer required as measured levels of nitrogen dioxide have been below nationally set Air Quality Objective Levels between 2016 and 2022.

1. **Background**

- 1.1 Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives for different pollutants are likely to be achieved.
- 1.2 Where it is likely that air quality levels are such that certain pollutants are above specified levels the Local Authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 1.3 Air quality objectives have been set for 7 pollutants, but only Particulate Matter (PM₁₀ and PM_{2.5}) Nitrogen Dioxide (NO₂) are seen as a potential problem in most locations in the U.K.
- 1.4 In 2015, an AQMA in Little Madeley was declared in line with duties prescribed in the Environment Act 1995. This is shown in Appendix 1. The AQMA was declared due to a likely breach of the annual mean Nitrogen Dioxide national air quality objective of 40 µg/m³. This was due to there being residential receptors presenting relevant exposure in close proximity to busy roads.

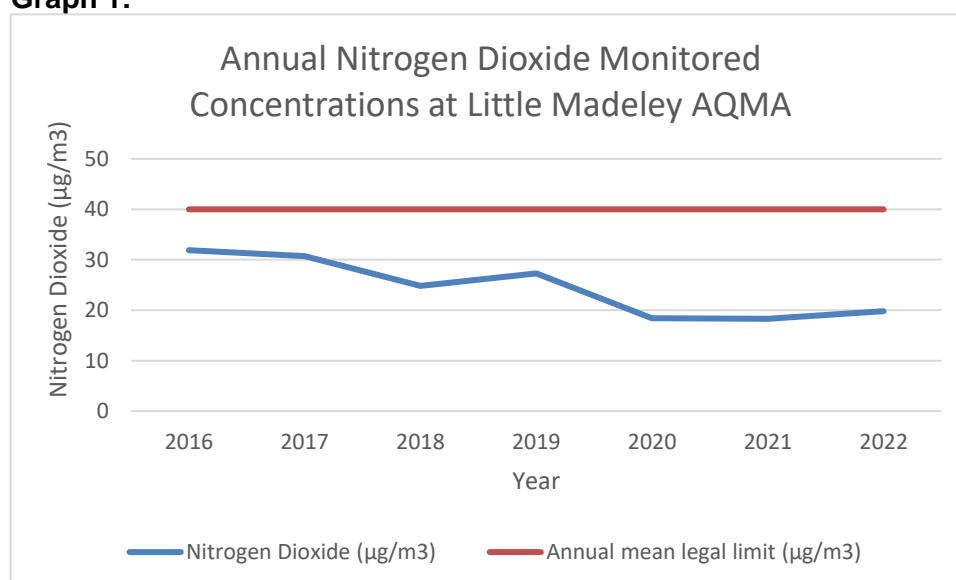
2. Issues

- 2.1 Air Quality in this location is heavily influenced by traffic using the M6 motorway which runs within 20 metres of the nearest relevant receptor at Collingwood, 3 Newcastle Road. The nearby M6 being the major contributor to nitrogen dioxide emissions in this location.
- 2.2 The Council has been monitoring nitrogen dioxide concentrations in the AQMA since that date and for the past 7 years the concentrations have fallen to a level well below the 40 $\mu\text{g}/\text{m}^3$ standard as shown in the Table 1 and Graph 1 below:

Table 1: Annual Nitrogen Dioxide Monitored Concentrations at Little Madeley AQMA

Year	Nitrogen Dioxide ($\mu\text{g}/\text{m}^3$)
2016	31.9
2017	30.7
2018	24.8
2019	27.3
2020	18.4
2021	18.3
2022	19.8

Graph 1:



- 2.3 Due to the prolonged period that the concentrations have been significantly below the Air Quality Objective in the AQMA, the service is confident that the reduction is permanent and not due to annual variations as a result of, for example, meteorological conditions.
- 2.4 The specific reasons for the reductions are likely to be a combination of factors, but the key reason will be the reduction in the number of old polluting vehicles and improvements in emission standards for newer vehicles.
- 2.5 The conclusion that the AQMA can be revoked has been approved by the Department for Environment Food and Rural Affairs (DEFRA) following submission of the Council's Annual Status Reports for 2021 and 2022.
- 2.6 Following a report to Committee in December 2022, your officers have now formally consulted with a number of organisations and interested parties seeking comments on the proposal to revoke the AQMA.

2.8. No objections to the proposal to revoke the Little Madeley AQMA have been received.

2.9 Given the previous advice from DEFRA and in consideration of the last seven years monitoring results, it is now considered appropriate for the Council to make an order under section 83(2)(b) of the Environment Act 1995 to revoke this AQMA. This order is produced in Appendix 2.

3. **Proposal**

3.1 That Committee:-

Formally approves the Little Madeley Air Quality Management Area Revocation Order 2023 and for this to take effect from the 6th September 2023.

4. **Reasons for Proposed Solution**

4.1 The air quality in Little Madeley No 4 Air Quality Management Area has been well within the National Air Quality Objectives for at least the last 7 years and has shown a gradual reduction over that period.

4.2 This was reported in the 2021 and 2022 Annual Status Report on Air Quality. DEFRA has also advised that the AQMA should now be considered for revocation.

4.3 The monitoring data has been evaluated by DEFRA and the conclusions supported.

4.4 There is no indication or reason to believe that air quality in this area

4.5 It is therefore recommended that the Little Madeley No 4 Air Quality Management Area be revoked and the Order (the Little Madeley No 4 Air Quality Management Area (Revocation Order)) be made.

5. **Options Considered**

5.1 The only alternative would be to keep the AQMA in place.

6. **Legal and Statutory Implications**

6.1 The Environment Act 1995, Part IV places an obligation on Local Authorities to assess and manage local air quality with the intention of ensuring compliance with relevant regulations Technical and Policy Guidance made under Part IV of the Environment Act 1995.

6.2 The Council is required to revoke a designated Air Quality Management Area where it can be robustly demonstrated that the prescribed pollutant achieves ongoing compliance with regulations made under Part IV of the Environment Act 1995. Before doing so, the Council must formally consult with relevant stakeholders.

7. **Equality Impact Assessment**

7.1 There are no impacts on equality arising from revocation of the AQMA.

8. **Financial and Resource Implications**

8.1 There are no direct financial or resource implications coming out of this report with the formal consultation, justification for revocation of the AQMA being met from the service budget.

9. **Major Risks**

9.1 A specific GRACE risk assessment has been prepared for this line of work. Those considered to be the most significant are identified below. Appropriate controls are in place to reduce these risks from being realised.

9.2 Failure to have adequate controls in place to enable the council to comply with its legal obligations under Part IV of the Environment Act 1990 could see the Council being formally Directed by the relevant minister to undertake any of the actions they see fit, in line with the Act.

9.3 Public bodies including local Authorities may also be subject to legal action for breach of a person's human rights specifically Article 2 Right to Life and Article 8: Respect for your private and family life.

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

10.1 The following Un sustainable goals are relevant.



11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Licensing & Public Protection Committee 22nd December 2014 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=123&MID=2287>

12.2 Licensing & Public Protection Committee 13th December 2022 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=435&MID=4075>

13. **List of Appendices**

13.1 Appendix 1 – Air Quality Management Order Number 4 - Little Madeley declared 15th January 2015

13.2 Appendix 2 – Proposed Revocation Order

14. **Background Papers**

14.1. Environment Act 1995 – Part IV <https://www.legislation.gov.uk/ukpga/1995/25/part/IV>

14.2 Local Air Quality Management Technical Guidance (LAQM.TG.22) Available at <https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf>

14.3 Air Quality Reports completed available from <https://www.newcastle-staffs.gov.uk/protection/air-quality-management/9>

Appendix 1- AQMA number 4 – Little Madeley.



**Environment Act 1995 Part IV Section 83(1)
The Borough Council of Newcastle-under-Lyme
Air Quality Management Order Number 4 – Little Madeley**

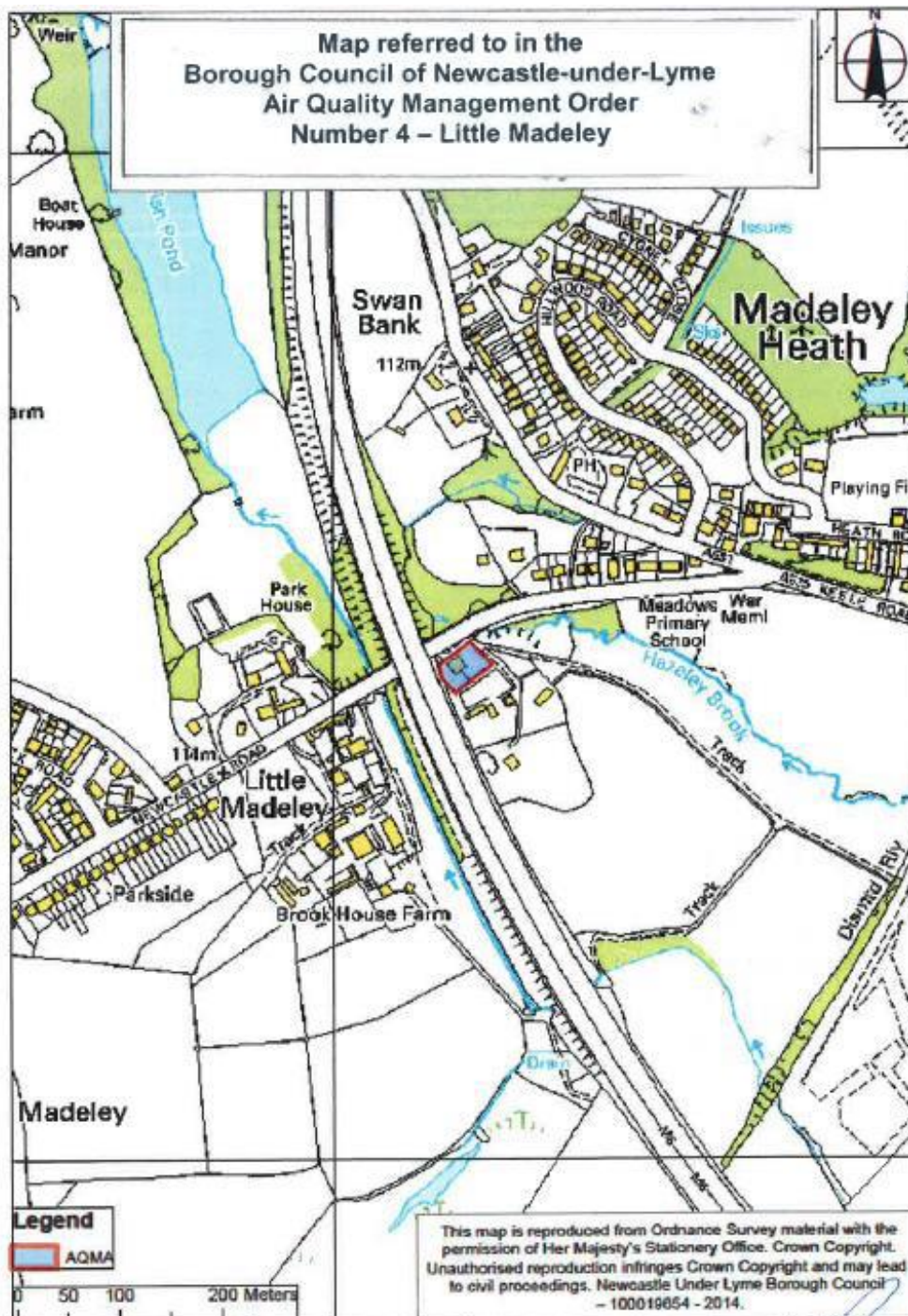
The Borough Council of Newcastle-under-Lyme in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following order:

1. This Order may be cited/referred to as The Borough Council of Newcastle – under-Lyme Air Quality Management Area Order Number 4 – Little Madeley and shall come into effect on 15th January 2015.
2. The area shown edged in red on the attached map is to be designated as an air quality management area. This Area is designated in relation to a breach of the nitrogen dioxide annual mean objective as specified in the Air Quality Regulations 2000.
3. This Order shall remain in force until it is varied or revoked by a subsequent order.

THE COMMON SEAL of)
THE BOROUGH COUNCIL OF)
NEWCASTLE UNDER LYME)
was herunto affixed in the
presence of:



Councillor: *T. Handley*
Authorised Signatory: *[Signature]*



Thompson
Thompson



ENVIRONMENT ACT 1995 PART IV SECTION 83(2)(b)

**Air Quality Management Revocation Order - Little Madeley Air Quality
Management Area Number 4**

Newcastle-under-Lyme Borough Council, in exercise of the powers conferred on it by the Section 83(2)(b) of the Environment Act 1995 HEREBY makes the following order:-

1. This Order shall revoke the area known as Air Quality Management Order Number 4 - Little Madeley designated by Order on the 15th January 2015 as it has been evidenced that there is no longer a likely breach of the annual mean nitrogen dioxide national objective level of 40µg/m³ at relevant receptors.
2. A map of the air quality management area to be revoked is shown in schedule 1.
3. The Order shall come into force on 6th September 2023.

The Common Seal of
Newcastle under Lyme Borough Council
was affixed hereto

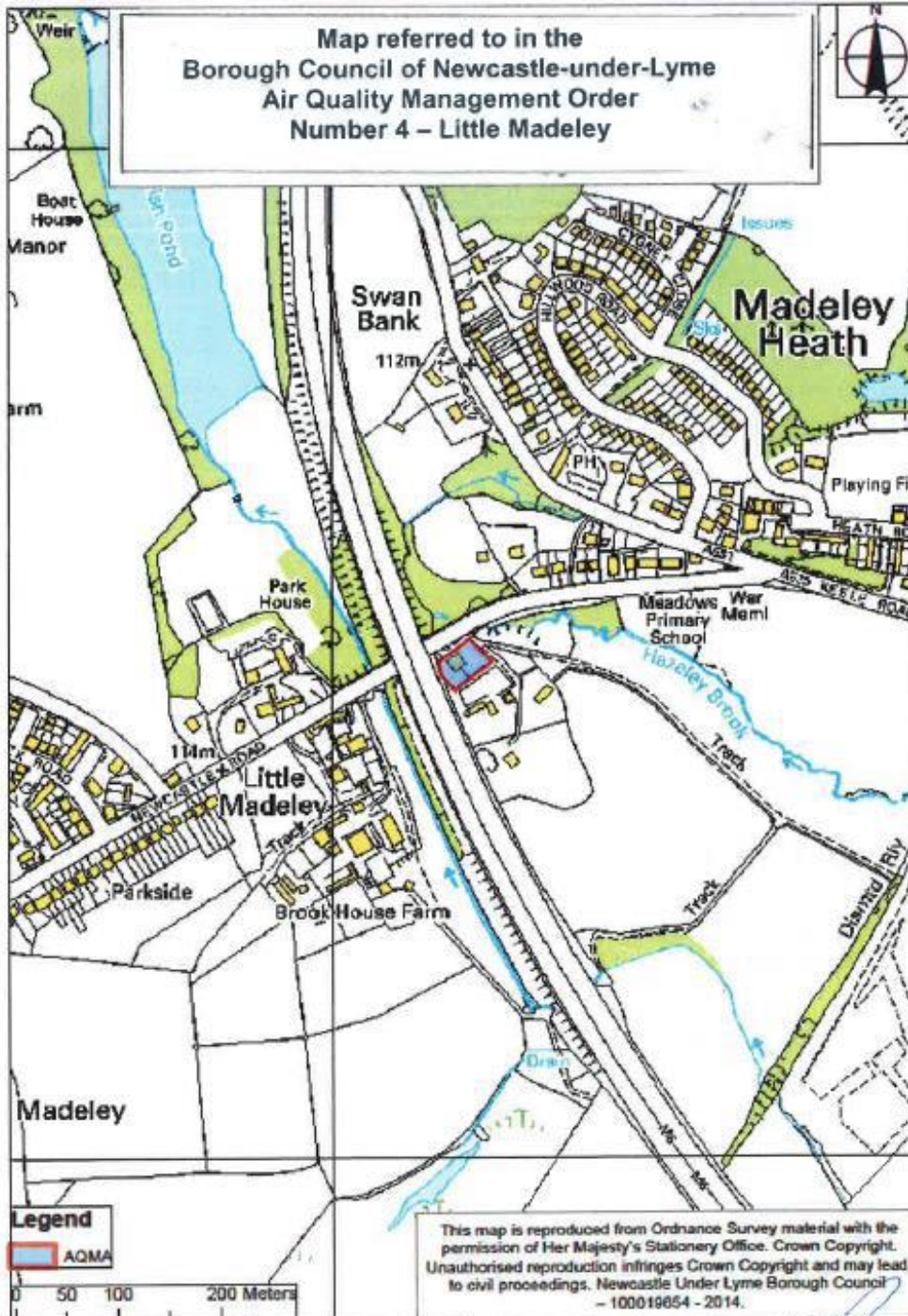
Dated:.....

In the presence of

Signed:.....

Printed Name:.....

Schedule 1 – Revoked Air Quality Management Area referred to in this revocation order



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

**Licensing and Public Protection Committee
05 September 2023**

Report Title: Public Space Protection Order – Gating Consultation Update

Submitted by: Service Director – Neighbourhood Delivery

Portfolios: **Community Safety and Wellbeing**

Ward(s) affected: Newchapel and Mow Cop, Cross Heath, Town, May Bank and Wolstanton

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To provide the committee with the outcome of the final 6 week public consultation on the proposed partial/full closures of 3 Public Rights of Way in the Borough of Newcastle-under-Lyme.	
<u>Recommendation</u>	
That (Committee):-	
1. Consider the content of this report and give approval for a Public Space Protection Order for Gating to be granted by Newcastle-under-Lyme Borough Council as per appendix 1.	
<u>Reasons</u>	
Following ongoing reports of anti-social behaviour at 3 locations in the Borough of Newcastle-under-Lyme, the Council is seeking to use its powers to impose prohibitions to restrict anti-social behaviour and arson in the locality through restricted and partially restricted public rights of way.	

1. Background

1.1 A Public Space Protection Order is a tool under the Anti-social Behaviour, Crime and Policing Act 2014. This legislation allows for an Order to identify a particular space or area in which it is applied, and 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.

- 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 a Fixed Penalty Notice (FPN) to discharge liability to convict (S67 & 68 of the ASB, Crime and Policing act).

2. Issues

- 2.1** This is the first application for a Public Space Protection Order in relation to existing gating on Public Rights of Way (PROW) and future gating projects in the Borough. The following PROW will be affected by this Order.

- Newcastle 143 – this 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.
- Newcastle 132 – proposed location due to ongoing issues with anti-social behaviour and arson.

2.2 Statistics

Anti-Social Behaviour 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.

Anti-Social Behaviour 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

2.2.1 The draft Order as shown as Appendix 1 to this report, highlights the locations which are proposed to be subject to a PSPO. This will include the full closure or partial closure of designated Public Rights of Way. This is highlighted on Appendices 2, 3 and 4 which are attached to this report.

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.

2.3 Consultation

Following the final 6 week consultation period (the results can be found at Appendix 5), the committee is now provided with an update on the consultation, and asked to make any necessary changes to the proposed Order before approving it.

2.3.1 Key Findings:

- 70 respondents – all responded to Newcastle 132;11 responded to Kidsgrove; 19 responded to Newcastle 143
- Almost complete 'support' for each question
- All respondents to Kidsgrove 19 answered Yes to every question

No further changes to the draft Order were proposed as a result of the final 6 week consultation therefore it is proposed to approve the Order without further amendment.

3. Recommendation

3.1 That the committee consider the content of this report and give approval for a Public Space Protection Order for Gating to be granted by Newcastle-under-Lyme Borough Council as per Appendix 1.

4. Reasons

4.1 Following ongoing reports of anti-social behaviour at 3 locations in the Borough of Newcastle-under-Lyme, the Council is seeking to use its powers to impose prohibitions to restrict anti-social behaviour and arson in the locality through restricted and partially restricted public rights of way.

5. Options Considered

5.1 CCTV was considered at the locations in order to deter crime and anti-social behaviour. However, the significant installation and ongoing monitoring and maintenance/repair costs associated with such a scheme are prohibitive and far outweigh the costs of the current gating proposals which are considered to be an appropriate and affordable intervention.

5.2 'Do nothing' – residents would continue to suffer from crime and anti-social behaviour. This has not been considered as a viable option as failure to do anything to address these issues could lead to serious injury, fatality and/or serious damage to property in relation to the arsons attacks which have occurred at one of the locations.

5.3 Utilise other powers under the Anti-social behaviour, Crime and Policing Act 2014. All tools are considered when addressing problems of anti-social behaviour. However, where it is not possible to identify the individuals responsible other options have to be considered in order to protect the communities who are suffering from its effects.

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 Impact Assessment has been refreshed detailing how the PSPO will impact those who will utilise these public rights of way. Suitable alternative routes are available, therefore it is not considered that a significant adverse impact would result, when balanced against the benefit of reducing or restricting anti-social behaviour.

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. Any minor repairs/issues would be completed by Newcastle-under-Lyme Borough Council. Should serious damage be incurred at any of the sites, funding would need to be sourced to repair or replace the gating. Such funding may be available from the Joint Operations Group or ASB funding.

9. Major Risks & Mitigation

9.1 Gates are seriously damaged at location – Police will continue to actively patrol this location to continue to deter ASB. Should damage occur then partners may agree to deploy mobile CCTV cameras to the site in order to identify those responsible. The likelihood of this occurring is low – the gates are high quality, robust gates from a trusted engineering company.

9.2 Arson attacks continue at some of the locations causing serious harm to property and/or life – continue to work with partner agencies to see what other measures could be taken in order to deter this type of behaviour. CCTV may be reconsidered if it is felt that this has not been resolved.

10. UN Sustainable Development Goals (UNSDG)

10.1 The proposal contributes towards the following UNSDGs:



10.2 This project contributes to the UN Sustainable Development Goals above as follows:

- Good health and well-being – this project will help to support the well-being of residents at this location who have suffered from anti-social behaviour and arson for some time.
- Peace, justice and strong institutions – it will help to bring those who cause ASB to justice by assisting the Police and preventing these locations from experiencing Crime and ASB.

11. Key Decision Information

11.1 Not applicable.

12. Earlier Cabinet/Committee Resolutions

12.1 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=435&MId=4078&Ver=4>

12.2 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=435&MId=4076&Ver=4>

13. List of Appendices

13.1 Appendix 1: Map of proposed restrictions for Newcastle 132 and alternate route.

13.2 Appendix 2: Map of proposed restrictions for Newcastle 143.

13.3 Appendix 3: Map of proposed restrictions for Kidsgrove 19.

13.4 Appendix 4: Public Space Protection for the restriction of Public rights of way (draft order)

13.5 Appendix 5: Copy of the public consultation results round 2.



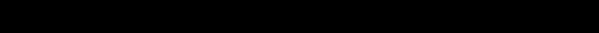
14. Background Papers

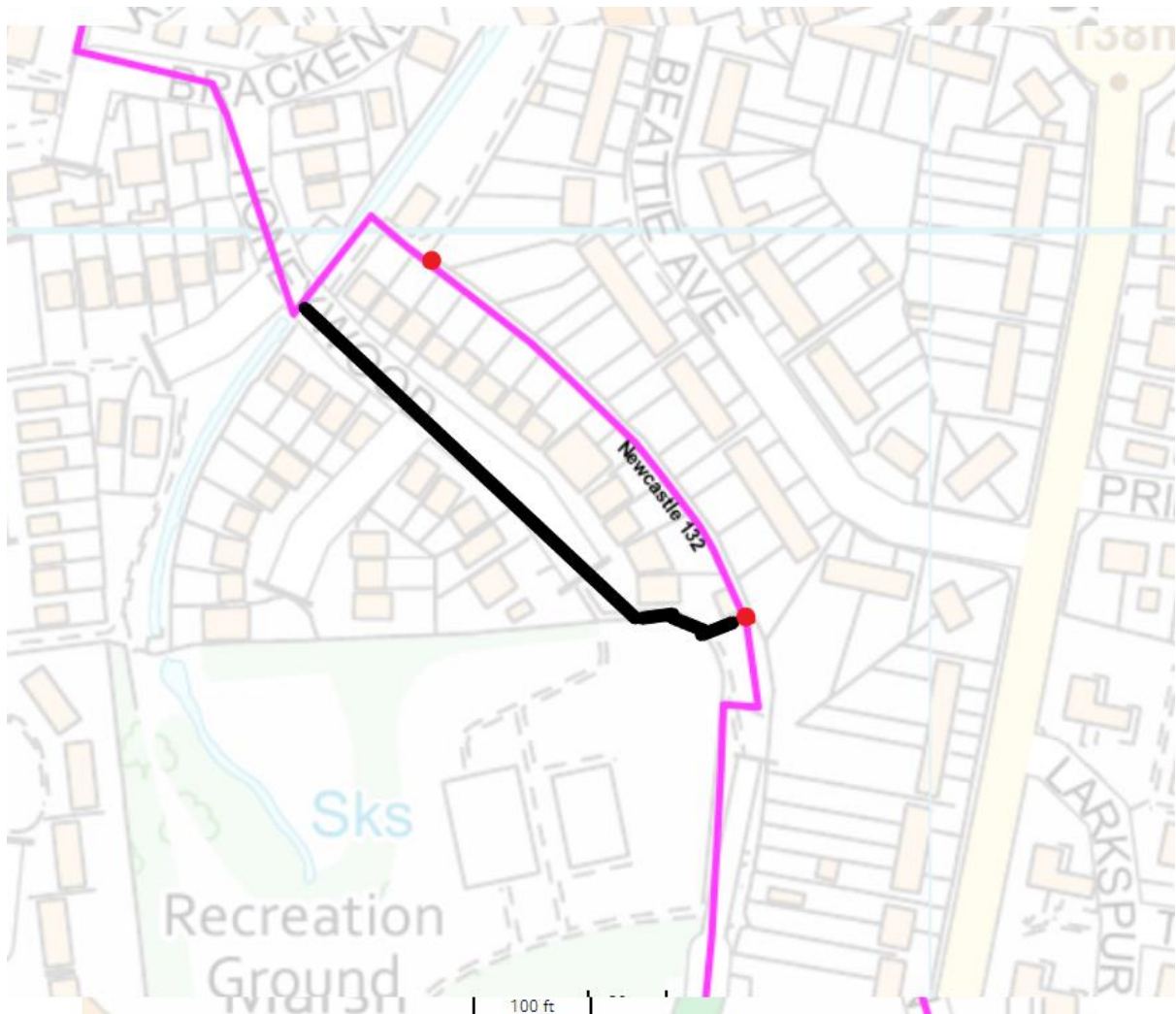
14.1 None

APPENDIX 1

Newcastle 132

KEY

	PUBLIC RIGHT OF WAY
	PROPOSED LOCATION OF GATES
	ALTERNATIVE ROUTE



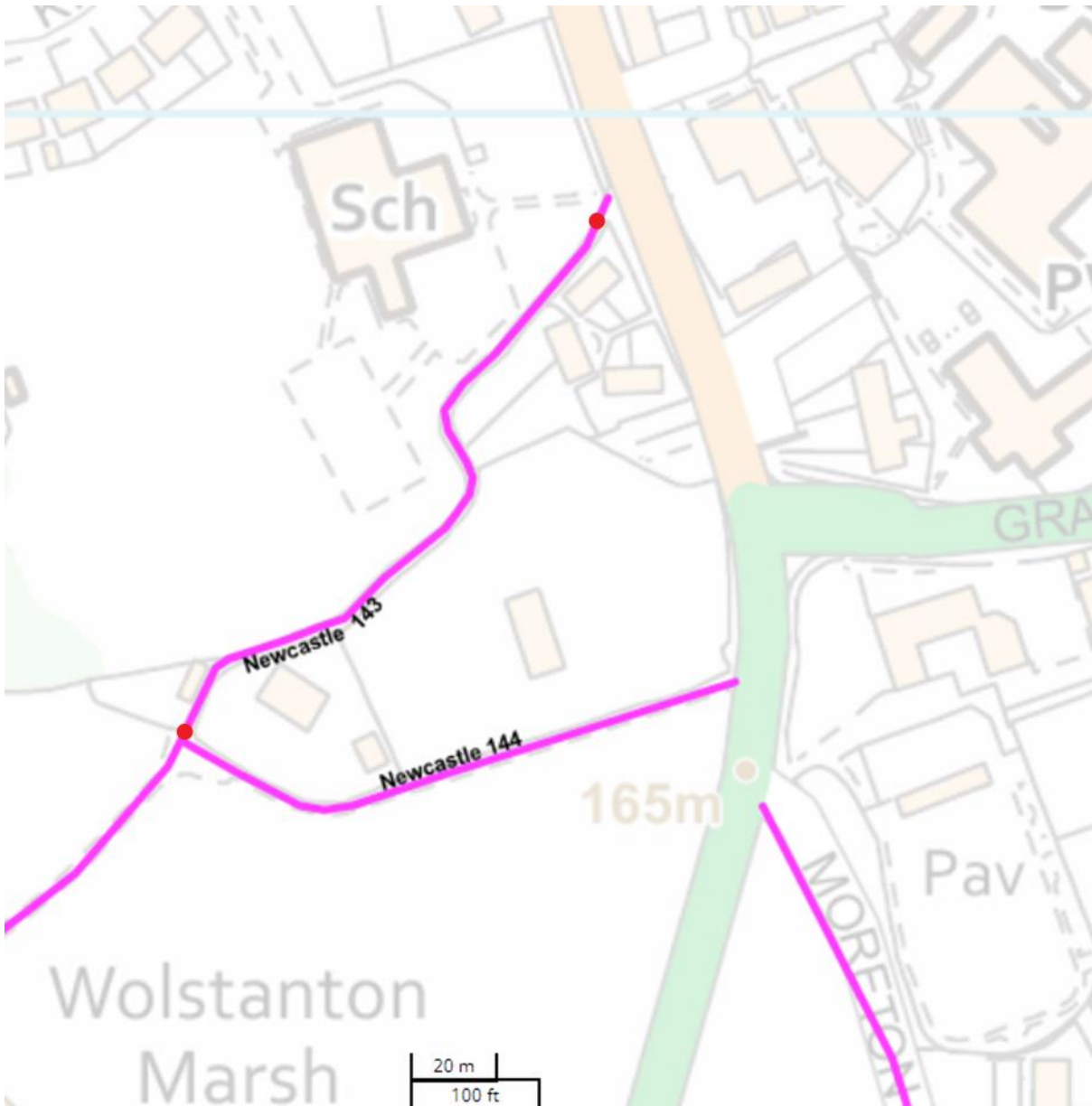
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APPENDIX 2

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”)**

DRAFT

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Public Right of Way consultation – May/June 2023

Key findings

- 70 respondents – all responded to Newcastle 132
 - 11 responded to Kidsgrove 19 and Newcastle 143
- Almost complete 'support' for each question
 - All respondents to Kidsgrove 19 answered Yes to every question

Are you.....

57 respondents answered this question – all of whom were residents of the borough. One was also a councillor, and one was also employed in the borough. There were no responses from voluntary/community groups, local business owners/managers or visitors.

Public right of way Kidsgrove 19:

There were four questions for this section. There were 11 responses, and all 11 answered yes to each question.

- Do you agree that there has been and/ or there is ongoing anti-social behaviour and crime and dis-order around the locations gated?
- Do you believe that if the gates are not in place that anti-social behaviour and / or crime and disorder could take place?
- Does the gating at this location provide you with reassurance and security?
- Do you support the gating at this location to be partially closed between 6pm and 8am daily?

Public right of way Newcastle 132:

There were far more responses for this Public Right of Way than for the other two - in fact all 70 respondents to the survey answered this part, compared to just 11 for the others. There were very few 'no' responses to any of the five parts, as the following shows.

Do you agree that there has been and/ or there is ongoing anti-social behaviour and crime and dis-order around the locations gated?

- Yes 98.6 per cent
- No 1.4 per cent

Do you believe that if the gates are not in place that anti-social behaviour and / or crime and disorder could take place?

- Yes 100 per cent.

Does the gating at this location provide you with reassurance and security?

- Yes 97.1 per cent
- No 2.9 per cent.

Do you support this public right of way being gated permanently?

- Yes 97.1 per cent
- No 2.9 per cent

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?

- Yes 98.6 per cent
- No 1.4 per cent

Public right of way Newcastle 143:

As with Kidsgrove 19, there were only 11 responses. Almost all of the answers were 'yes', as the following shows:

Do you agree that there has been and/ or there is ongoing anti-social behaviour and crime and dis-order around the locations gated?

- Yes 90.9 per cent
- No 9.1 per cent

Do you believe that if the gates are not in place that anti-social behaviour and / or crime and disorder could take place?

- Yes 100 per cent

Does the gating at this location provide you with reassurance and security?

- Yes 90.9 per cent
- No 9.1 per cent

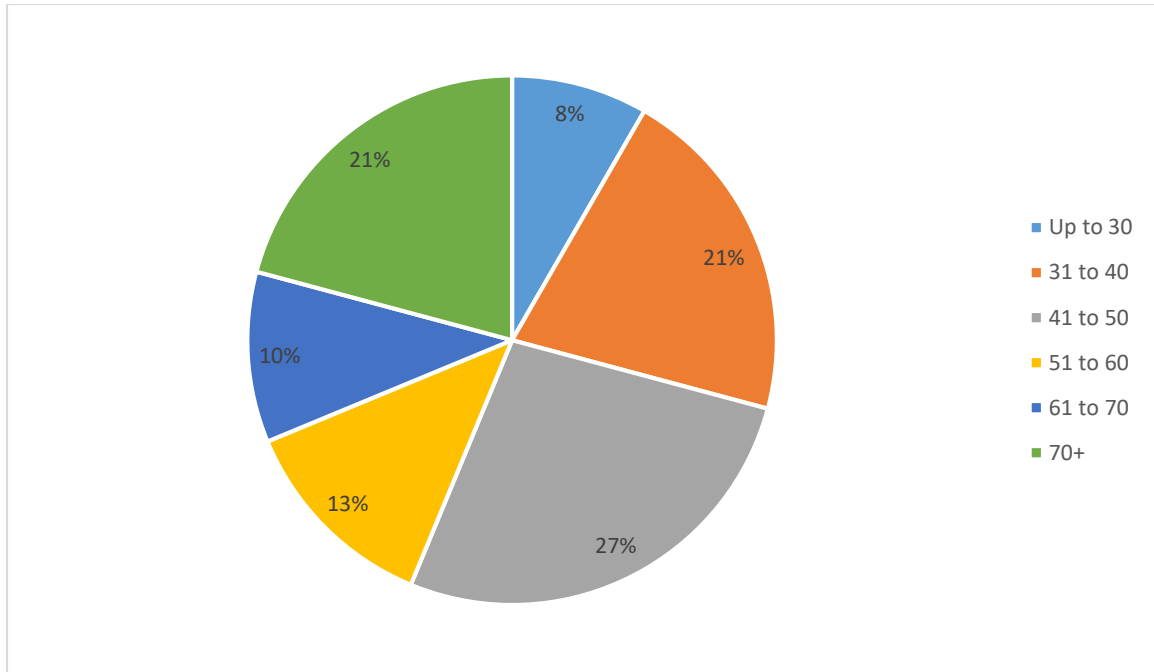
Do you support this public right of way being gated permanently?

- Yes 100 per cent

Age profile

Only 48 of the 70 respondents reported their broad age group – of these, over half (56 per cent) were aged under 50, with 21 per cent aged at least 70.

Figure 1: Age profile based on 48 responses



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Public Document Pack Agenda Item 10

Public Protection Sub-Committee - 12/07/23

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 12th July, 2023
Time of Commencement: 1.30 pm

[View the agenda here](#)

Present: Councillor Andrew Parker (Chair)

Councillors: Brown Heesom Sweeney

Officers: Anne-Marie Pollard Solicitor
Melanie Steadman Licensing Officer

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **DISCLOSURE OF EXEMPT INFORMATION**

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

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

The Sub Committee considered a relevant matter which fell outside of Council Policy. The applicant and their representative were in attendance.

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

Resolved: That the Dual Driver and Private Hire Vehicle's licenses be revoked.

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

The Sub Committee considered a relevant matter which fell outside of Council Policy. The applicant and their representative were in attendance.

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

Resolved: That the Dual Driver and Hackney Carriage Vehicle's licenses be revoked.

Public Protection Sub-Committee - 12/07/23

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

The Sub Committee considered a relevant matter which fell outside of Council Policy. The applicant and their representative were in attendance.

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

Resolved: That the Operator's licence be refused.

7. URGENT BUSINESS

There were no urgent business.

**Councillor Andrew Parker
Chair**

Meeting concluded at 4.30 pm