

Public Document Pack

Date of meeting Tuesday, 12th December, 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 MINUTES OF LICENSING SUB COMMITTEE MEETINGS (Pages 11 - 12)
To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing and Public Protection Committee.

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 PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2024-25 (Pages 13 - 18)
- 7 AMENDMENT OF TAXI LICENSING POLICY PROVISIONS IN RELATION TO TINTED WINDOWS (Pages 19 - 24)

- 8 **ENVIRONMENT ACT 1995 - PART IV LOCAL AIR QUALITY MANAGEMENT - ANNUAL STATUS REPORT 2023** **(Pages 25 - 30)**
- 9 **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS** **(Pages 31 - 34)**

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

10 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.

11 URGENT BUSINESS

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

Members: Councillors 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	Fox-Hewitt
	Johnson	D Jones
	J Tagg	Richards
	J Waring	Stubbs
	Burnett-Faulkner	

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.

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 - 24/10/23

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 24th October, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Andrew Parker (Chair)

Councillors: Sweeney Wright Brown
Heesom J Williams
Skelding G Williams

Apologies: Councillor(s) Whieldon, S White, Adcock and Dymond

Substitutes: Councillor David Hutchison (In place of Councillor Joan Whieldon)
Deputy Mayor - Councillor Barry Panter (In place of Mayor - Councillor Simon White)
Councillor John Tagg (In place of Councillor Rupert Adcock)

Officers: Matthew Burton Licensing Administration Team Manager
Geoff Durham Civic & Member Support Officer
Nesta Barker Service Director - Regulatory Services
Anne-Marie Pollard Solicitor
Darren Walters Team Leader Environmental Protection
Michelle Hopper Senior Partnerships Officer

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

There were no declarations of interest stated.

2. **MINUTES OF A PREVIOUS MEETING**

Resolved: That subject to Anne Marie Pollard being recorded as in attendance, the Minutes of the meeting held on 5 September, 2023, be agreed as a correct record.

3. **FEES TO BE CHARGED FOR THE LICENSING OF SCRAP METAL DEALERS, GAMBLING & SEXUAL ENTERTAINMENT VENUE 2024-25**

Consideration was given to a report asking Members to consider the fees to be charged in relation to the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2024/25.

Licensing & Public Protection Committee - 24/10/23

Members' attention was drawn to paragraph 3.1 which outlined the proposed changes to the fees and charges.

Councillor John Williams asked how many scrap metal licences there were relating to collection. The Licensing Administration Team Manager – Regulatory Services stated that it was approximately fifteen – not as many as when the Act came in, in 2013.

Resolved: That the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2024-25, be agreed.

[Watch the debate here](#)

4. GAMBLING ACT 2005 CONSULTATION: MEASURES RELATING TO THE LAND-BASED GAMBLING SECTOR

Consideration was given to a report informing Members of a consultation that related to the land based gambling sector.

The Licensing Administration Team Manager stated that this was the first time that the Government had looked at making changes to the Act since coming into force in 2007.

Members' attention was drawn to paragraph 2.3 of the report which outlined the five main themes that the consultation focussed on. Appendix A showed the Council's responses to the report with paragraphs 2.6 to 2.10 summarising the responses.

Councillor Sweeney raised concerns that gambling was being made easier by being allowed to put credit cards into machines and stated that it should be made harder. The Licensing Administration Team Manager stated that parts of the consultation were about what safeguards needed to be put in place to make it as safe as possible.

Councillor Brown asked how the age of the player was verified and, referring to question 33a on the consultation, why did the Council not commit to requesting cash payment limits. The Licensing Administration Team Manager stated that Newcastle did not have many premises and therefore not much experience of amounts being put into them. The Council had looked at whether they should have cooling off periods if they are going up to the limit. With regard to enforcement of age limits, there was an officer in the team who dealt with the Licensing Act and Gambling Act for compliance and enforcement. The officer would go to premises and carry out compliance checks. Age verification was a condition on every licence that the operator had to comply with.

Councillor Brown if records were available showing occasions when under-age use had taken place. The Licensing Administration Team Manager stated that there had been no instances of under-age use taking place. This was more likely to take place on licenced premises and if reported, it would be investigated.

Referring to the maximum amount that a machine would take on a card, the Chair advised that machines acted on contactless and therefore would cut off after so many times.

Councillor Skelding, referring to question 33a stated that rather than a limit being set, a lot of casino's operated an affordability check which, after a trigger point they check

to see if the gambling was sustainable. Were there any plans from the Government to impose that on gaming machines? The Licensing Administration Team Manager confirmed that there was nothing of that nature proposed in the consultation.

Councillor Panter referred to question 38c of the consultation regarding the mandatory time limits and cooling off periods, did this apply to the machine or any one person on the premises? The Licensing Administration Team Manager stated that this would be for the operator to do, not the Council. However, it was not clear but cooling off periods in other gambling sectors usually referred to the individual.

Resolved: That the content of the report and consultation response submitted, be noted.

[Watch the debate here](#)

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

There were no declarations of interest stated.

6. **PUBLIC SPACE PROTECTION ORDER - PARKS AND OPEN SPACES**

Consideration was given to a report providing the outcome of the final six week public consultation on the proposed Parks and Open Spaces Public Space Protection Order in Newcastle.

Members' attention was drawn to Paragraph 3 of the report which outlined the consultation results. The full results were attached at Appendix B.

Appendix A showed a draft copy of the Order.

Councillor John Williams asked who would enforce the Order. The Mobile Multi-Functional Manager stated that enforcement would be carried out by officers from MMF team of the Council. Body cams were being considered to see if they were viable.

Councillor John Williams asked if photographic evidence was required in order to fine the person. The Mobile Multi-Functional Manager stated that the difficulty in enforcement was identifying the individual. Photographic evidence would make identification easier.

Councillor Hutchison referred to paragraph 3.7 the means to pick up dog fouling stating that he was pleased to see this in the report. Was this new or just something that had not been enforced before? The conditions were not new but a continuation of what had been in the previous Public Space Protection Order. It was enforced but came down to officers being on the ground.

Councillor Hutchison asked, if a resident who took their dog out at the same time each day was reported for not picking up, could an officer be positioned for a couple of days to catch them and issue a fine. The Mobile Multi-Functional Manager stated that there was already a list of hotspots and officers would be out and about on key dates.

Councillor Gill Williams agreed with the majority of this but was still against one person walking six dogs.

Resolved: That a Public Space Protection Order for Parks and Open Spaces to be approved as per appendix A.

[Watch the debate here](#)

7. CLEAN AIR ACT 1993 - CONSULTATION ON THE REVOCATION OF EXISTING SMOKE CONTROL AREAS AND DECLARATION OF A NEW BOROUGH WIDE SMOKE CONTROL AREA

Consideration was given to a report seeking approval for a consultation on the revocation of existing smoke control areas and declaration of a Borough wide smoke control area.

Members' attention was drawn to figure 3 which showed the level of emissions from solid fuel open fires down to electric heating.

There were currently 40 smoke control areas and these were shown in appendix 1. Appendix 2 showed the proposed smoke control area revocation order and smoke control area order.

Councillor John Williams asked if industrial smoke emissions would be measured in the same way as domestic. The Environmental Health Team Manager stated that industry would be covered but the majority of the polluting industry was covered under separate legislation.

Councillor Panter referred to section 7.3 of the report and asked if someone did not have the means to pay the fines, how long would it take for them to receive the energy grant. The Environmental Health Team Manager explained that the Council did not have much control over the various grant schemes but officers would closely work with officers in the housing team to identify properties that may be eligible for financial assistance.

- Resolved:**
- (i) That the making of the Newcastle-under-Lyme Borough Smoke Control (Revocation) Order 2023 be approved and that this be published for formal consultation. (As detailed in Appendix 2).
 - (ii) That the whole of the administrative area of the Borough of Newcastle under Lyme become a single smoke control area through the making of The Newcastle-under-Lyme Borough Smoke Control Order 2023 and that this be published for formal consultation. (As detailed in Appendix 2).
 - (iii) That the Formal Fixed Penalty Charging policy for Smoke Control Offences be approved (Appendix 3).
 - (iv) That a further report be received for consideration, following closure of the relevant consultation periods, for consideration of any representations concerning either the Newcastle-under-Lyme Smoke Control(Revocation) Order 2023 or The

[Watch the debate here](#)

8. PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2024/2025

Consideration was given to a report seeking to consider proposed taxi and private hire fees prior to consultation.

Members' attention was drawn to paragraph 3 which outlined the proposed fees and charges.

Councillor Panter asked what was meant by a 'spot check'. The Licensing Administration Team Manager explained that where a vehicle had failed a test on a minor point, for example a bald tyre, the mechanic could see at a glance that this had been rectified.

Councillor Hutchison asked how charges at Newcastle compared with surrounding areas. The Licensing Administration Team Manager stated that some benchmarking was carried out but it had to be based on the Council's cost recovery. Newcastle's charges were similar to Stoke on Trent.

Councillor John Williams queried the fee for failure to attend for vehicle test. This had reduced although failure to attend would be a cost to the Council so should that not be an increase? Also, what was the total cost for someone to get a badge and get onto the road? The Licensing Administration Team Manager stated that the failure to attend fee had gone down due to a change in process and therefore there was a reduction in staff time. In terms of the Dual Driver badge, there were a number of costs involved: the application fee £250; DBS check £38; medical £50-£200; Knowledge Test £20; Disability and Safeguarding Training £48. Therefore approximately £400 per person.

- Resolved:**
- (i) That the report be received.
 - (ii) That the proposed fees be sent out for consultation.
 - (iii) That following consultation a further report is brought to Committee.

[Watch the debate here](#)

9. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Members were advised that the previous Minutes had not been completed and would be brought to the next meeting.

10. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

11. URGENT BUSINESS

There was no urgent business.

Licensing & Public Protection Committee - 24/10/23

**Councillor Andrew Parker
Chair**

Meeting concluded at 8.11 pm

Agenda Item 4

Licensing Sub-Committee - 24/10/23

LICENSING SUB-COMMITTEE

Tuesday, 24th October, 2023
Time of Commencement: 10.10 am

Present: Councillor Andrew Parker (Chair)

Councillors: J Williams Panter

Officers: Clive Cooper Licensing Officer
Melanie Steadman Licensing Officer
Anne-Marie Pollard Solicitor
Robert Thomas Environmental Health Officer
Darren Walters Environmental Health Team Leader

Also in attendance: Lisa Roberts Police Licensing Team

The applicant
The applicant's aunt
1 member of the public

1. APPOINTMENT OF CHAIR

Resolved: That Cllr Parker be appointed as Chair.

2. APOLOGIES

3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

4. APPLICATION FOR A NEW PREMISES LICENCE WHICH HAS RECEIVED RELEVANT REPRESENTATIONS

The Licensing Sub-Committee carefully considered the application, the officer report, the legislation, Council policy and statutory guidance. The Sub-Committee also heard the representations from Staffordshire Police, the Council's Environmental Health team and a local resident. The Sub-Committee finally considered the responses from the applicant and her aunt who was the lease holder of the premises.

The Licensing Sub-Committee was being asked to consider the licence application on the grounds of prevention of crime and disorder, public safety and public nuisance.

Resolved: That the licence be refused for the following reasons:

1. The Sub-Committee heard that the applicant, who had been involved in some capacity at the premises since April 2022, was making the application. She was also managing the premises for her father on the day of the 7 May 2023 incident. The Sub-Committee felt

Licensing Sub-Committee - 24/10/23

that her aunt who was the new leaseholder of the premises, dominated the representations.

2. In regards to the prevention of crime and disorder, the Sub-Committee did not feel that the applicant would be in charge of the premises as stated during the hearing, as the representations were made by her aunt rather than by the applicant who only responded when pressed.

The applicant herself had proven to be dishonest in her dealings with the responsible authorities. She took several months until she finally admitted her role in the premises to the police, in an interview. Even though she had taken the personal licence course she did not understand the requirements to hold a personal licence stating that she held one on several occasions before it was applied for.

The Sub-committee did not feel that she would make an effective Designated Premises Supervisor due to her lack of involvement in this hearing and in the written application itself. She had not offered any measures to promote the licensing objectives within the operating schedule under the grounds of Crimes and Disorder.

3. In relation to the grounds of prevention of public nuisance, the applicant had been involved in the premises during the period of complaints and was aware of the complainant above the premises informing the Sub-Committee that he knew their name and that they regularly attended the premises. This information turned out to be not true, showing a lack of concern for the public nuisance objective and public nuisance associated with the premises. The applicant had not engaged with the neighbours to address the problem or offered any suggestions and detailed solutions or measures to be incorporated into the operating schedule, which would address the licensing objectives.

4. In regards to public safety, it was noted that the main complainant in this matter outside of the responsible authorities was a vulnerable adult. No enforceable measures had been suggested or put forward by the applicant in the operating schedule to meet this licensing objective.

5. It was therefore the decision of the Licensing Sub-Committee to refuse this application for a new premises licence.

Councillor Andrew Parker
Chair

Meeting concluded at 12.10 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

12 December 2023

Report Title: Private Hire & Hackney Carriage Fees & Charges 2024/2025

Submitted by: Service Director - Regulatory Services & Licensing Administration
Team Manager

Portfolios: Finance, Town Centre & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To request that Public Protection Committee considers the proposed taxi and private hire fees, following consultation, as referred to in the report.			
<u>Recommendation</u>			
1. That Public Protection Committee approves the proposed taxi and private hire fees for 2024/25			
<u>Reasons</u>			
Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to the Public Protection Committee.			

1. Background

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

2. Issues

- 2.1 A report was presented to Public Protection Committee on 24th October 2023 in respect of the proposed fees and charges for Private Hire and Hackney carriage driver, vehicle and operator fees and charges for 2024/25. The committee discussed the proposed fees and charges and recommended that they should be advertised and a period of consultation undertaken in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 before being determined.
- 2.2 The advertisement was placed in the Sentinel newspaper on 26th October 2023 and a copy placed at Castle House. The consultation period ran from

26th October 2023 until 23rd November 2023. A copy of the consultation paperwork was emailed to all licence holders and trade representatives on 27th October 2023 including private hire operators, vehicle hire companies, and the hackney carriage trade association.

2.3 Within the consultation period there were no responses received from any consultee or third party.

2.4 The Committee report dated 24th October 2023 at paragraphs 3.4-3.6 explained the reasons behind the proposed amendments in certain fees and also highlighted that the overall cost for all new and renewal driver and vehicle applications would be reduced.

2.5 The proposed fees and charges for 2024-25 are:

a	b	c	d
Private Hire/Hackney Carriage	Fee/Charge 2023-24 (£)	Proposed Fee/Charge 2024-25 (£)	% Change
<u>OPERATORS</u>			
PHO Application fee	£289.00	£329.00	12
Add/Remove Director	£44.00	£45.00	2
Copy/Replacement Licence	£8.00	£8.00	0
Basic DBS	£18.00 (set by DBS)	£18.00	0
<u>DRIVERS</u>			
Dual Driver Badge - 3 years	£275.00	£250.00	-9
Change of address	£18.00	£18.00	0
Replacement badge	£15.00	£15.00	0
Replacement vehicle badge	£15.00	£15.00	0
Reissue/replacement badge (with amended details)	£31.00	£31.00	0
DBS (CRB check)	£38.00 (set by DBS)	£38.00	0
DBS (CRB check) online	£64.34	£64.34	0
Exemption certificates	£15.00	£15.00	0
Knowledge test	£20.00	£20.00	0
Fail to attend Knowledge Test	£20.00	£20.00	0
Change of Name	£21.00	£21.00	0
Replacement vehicle badge holder	£6.00	£6.00	0
DE Training replacement cert	£0.00	£0.00	0
Copy of Paper Licence	£8.00	£8.00	0
Disability & Safeguarding Training	£40+VAT	£40+VAT	0
<u>VEHICLES</u>			
Transfer of vehicle	£44.00	£45.00	2
Change of vehicle registration	£50.00	£52.00	4

Failure to attend for vehicle test	£74.00	£73.00	-1
Retest	£33.00	£31.00	-6
Replacement plate carrier – front	£10.00	£11.00	10
Replacement plate carrier – rear	£12.00	£13.00	8
Replacement vehicle plate - front	£9.00	£9.00	0
Replacement vehicle plate - rear	£11.00	£12.00	9
Replacement vehicle sticker signage	£6.00	£6.00	0
Copy of paper part of licence	£8.00	£8.00	0
Change of Vehicle Colour	£50.00	£52.00	4
HCV/PHV safety test	£79.00	£79.00	0
HCV application fee	£242.00	£186.00	-23
PHV application fee	£238.00	£173.00	-27
Basic DBS	£18.00 (set by DBS)	£18.00	0
Change of Name/Address	£44.00	£45.00	2
Spot check	£22.00	£23.00	5
Replacement Internal Plate	£8.00	£8.00	0

3. **Recommendation**

3.1 That Public Protection Committee approves the proposed taxi and private hire fees for 2024/25.

4. **Reasons**

4.1 The Council is required to set fees for private hire and hackney carriage licenses for 2024/25.

5. **Options Considered**

5.1 The Council is required to set fees for private hire and hackney carriage licenses for 2024/25. The fees proposed are based on cost recovery.

6. **Legal and Statutory Implications**

6.1 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 70) provides provision for the setting of fees and charges in relation to Operator and Vehicle licence fees. The fees are to be reasonable costs for carrying out the granting and renewal of licenses, costs for providing Hackney Carriage stands and costs relating to control and supervision of such vehicles.

6.2 The Act also specifies a maximum amount for the activities of £25 and should the costs exceed this then the Act defines a process of advertising and dealing with any objections made in relation to proposed fees.

- 6.3** The Local Government (Miscellaneous Provisions) Act 1976 (sec. 53(2)) states that in relation to driver licence fees, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, a fee as they consider reasonable. With a view to recovering the costs of issue and administration.
- 6.4** The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators to establish a standard duration of three years for hackney carriage and private hire driver licences and five years for a private hire operator licence.
- 6.5** The European Services Directive states (Art 12.2) “*Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures*”. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.
- 6.6** In December 2019 the Court of Appeal in the case “*R (on the application of Abdul Rehman, on behalf of the Wakefield District hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166*” confirmed, that there is no general principle that the taxi licensing fee regime should be self-financing. Also that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) of the 1976 Act.

7. Equality Impact Assessment

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

8. Financial and Resource Implications

- 8.1** There are a number of factors involved in setting a fees and charges, which have financial and resource implications, such as:
- The number of licenses issues in the forthcoming year – A review of recent trends and licenses due for renewal are used to inform this element
 - The resources required delivering these activities – The number of licenses and resources required to deliver these are intrinsically linked.
 - The processes and procedures completed in issuing and renewing licenses – The processes are regularly reviewed and updated, many applications are now through on-line applications.
 - The Councils Taxi policy requirements and standards – This sets the foundations for the taxi licensing and influences the above points.
- 8.2** There is also provision within the regime that Private Hire drivers and vehicles can be licensed by other Local Authorities – Over the past years there has

been a reduction in the number of both driver licenses and vehicle licenses issued by the Council.

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

9. Major Risks & Mitigation

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

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

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

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

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

10. UN Sustainable Development Goals (UNSDG)

10.1 The following goals are relevant:



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

12.1 [Public Protection report 24th October 2023](#)

12.2 [Council report 22nd February 2017](#)

13. List of Appendices

13.1 None

14. Background Papers

14.1 [LGA Guidance on Local Fee Setting](#)

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE**

12 December 2023

Report Title: **Amendment of Taxi Licensing Policy Provisions in relation to tinted windows**

Submitted by: **Service Director – Regulatory Services and Licensing Administration Team Manager**

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

Ward(s) affected: **All**

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To request that Public Protection Committee considers the proposed amendment to the provisions within the taxi licensing policy in relation to tinted windows.			
<u>Recommendation</u>			
That Members determine whether to amend the current policy in relation to tinted windows in licensed vehicles.			
<u>Reasons</u>			
The Council have historically had provisions within the taxi licensing policy prohibiting rear passenger windows of hackney carriages and private hire vehicles being heavily tinted and not allowing certain levels of light to be transmitted through the window.			

1. Background

- 1.1** The Council introduced the current taxi licensing policy on 1st November 2019. It has been through a number of amendments and updates since then, primarily to include the provisions of the Department for Transport's (DfT) statutory guidance issued in 2020, but also to review outdated requirements.
- 1.2** The policy provides, at sections 1.4.1-1.4.2, that amendments to the policy where "*there is no foreseeable detrimental effect to licensee's interests*" do not require a consultation.
- 1.3** The Council taxi licensing policy before the current iteration included a requirement on both hackney carriage and private hire vehicles that they "*Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light*".
- 1.4** This was carried over to the current policy with a slight amendment which reads that all hackney carriage and private hire vehicles will: "*Have fitted rear*

passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;"

- 1.5** The DfT issued the latest revision of the Best Practice Guidance on 17th November 2023 containing a section on tinted windows which is outlined below. In light of this the Council will be reviewing the current taxi licensing policy next year.

2. Issues

- 2.1** The DfT conduct a national survey each year for all licensing authorities that covers numbers of drivers, vehicles and operators but also information on policy matters, one of which is whether there is a condition that relates to tinted windows in vehicles. This particular measure was only introduced recently but the recent figures show a reduction in licensing authorities overall (from 303 to 290) and a reduction in those that have a relevant condition.

<u>Year</u>	<u>HCV condition (yes)</u>	<u>HCV condition (no)</u>	<u>PHV condition (yes)</u>	<u>PHV condition (no)</u>
2021-22	87	216	84	219
2022-23	73	217	69	221

- 2.2** Many of the licensing authorities with vehicles that regularly work within and around the Borough, including Stoke-on-Trent City Council and Wolverhampton Council, have policies that are silent on windows tinting on vehicle which in effect allows for their licensed vehicles to have tinted/privacy glass without restriction.

- 2.3** The reasoning behind the current Council policy has always been around public safety and the ability for passengers to see out of, and others to see into, licensed vehicles. The DfT in their updated Best Practice Guidance document have included a section on tinted windows which states:

"For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

The department recognises that a minimum light transmission of 30% for windows rear of the B-pillar might impact on executive hire vehicles, where passengers demand a higher degree of privacy. Some licensing authorities already grant executive hire vehicles plate exemptions, and they could determine that an exemption from the 30% minimum light transmission level for these vehicles is appropriate. Authorities should be assured that those vehicles are not used for 'normal fares'.

Authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting and should be assured that any after-market window tinting does not negatively affect the safety features of the glass it is applied to."

It appears clear from their statement that following on from their extensive consultation with licensing authorities, the trade and other interested stakeholders they have not found any evidence that public safety is affected with licensed vehicles having tinted or privacy windows, but have provided an opinion that it would be reasonable for a requirement of allowing a minimum of 30% light transmission, which is below our current standard.

- 2.4** The Council's Transport Manager, who regularly speaks with members of the trade had identified that a main concern of licensed proprietors is the condition around tinted windows. They have found it difficult to source suitable vehicles as most vehicles now come with tinted windows factory fitted. His view is that whilst the condition was suitable and valid in the past things have now moved on. He was mindful that other licensing authorities do not have this condition within their policies and proprietors are regularly choosing to licence their vehicles with those authorities rather than the Borough Council, and use them in the Council's area.
- 2.5** He has stated: "*We have started to see a lot more Electric / Hybrid cars coming onto the fleet along with Euro 6 ICE powered vehicles, they normally come with tinted windows which cost more to change in some cases than just going to another council and Licencing with them.*" He has also stated his opinion on amending vehicle standards around age limits and criteria, which has also been addressed in the DfT guidance.
- 2.6** Equally, officers of the Council have recently held meetings with both the hackney carriage and private hire trades. At all meetings the trade identified the condition around tinted windows was of concern. All of the private hire operators that attended have operator licence with multiple other authorities and cited choosing to licence any new vehicles with someone other than the Borough Council.
- 2.7** Due to the above information, officers have determined that the condition around tinted windows needs to be reviewed in isolation and in advance of the full policy review next year.

3. Recommendation

- 3.1** That Members determine whether to amend the current policy in relation to tinted windows in licensed vehicles. Officer's recommend that:

- a) The current condition is removed and replaced with a condition that allows all vehicles to have tinted and privacy glass in the rear passenger windows as long as it is to the original manufacturer's specification and fitted at the time of the vehicle being manufactured, commonly known as 'factory fitted windows'. Not aftermarket or additional tinting is permissible.

4. Reasons

- 4.1 The Council have a taxi licensing policy that is now reviewed every 5 years and the underlying reason for the provisions of the policy is public safety. They is confirmed in both the DfT Statutory Guidance and Best Practice Guidance.
- 4.2 It is also a requirement of the Borough Council, to regularly review and update the policy as required.
- 4.3 DfT have stated that in their view there is not a public safety concern when considering whether licensed vehicles can or should have tinted windows.

5. Options Considered

- 5.1 There are three options available for Members to decide from:
 - a) Retain the current condition within the policy and review the tinted window condition at the same time as the full policy review;
 - b) Amend the current condition to align with the view of the DfT Guidance so that all vehicles must have rear passenger windows that allow a minimum of 30% light transmission;
 - c) Remove the current condition and allow all vehicles to have tinted and privacy glass in the rear passenger windows. If this option is favoured then there is a further decision to determine whether vehicles
 - (i) can only have factory fitted tinted/privacy windows and not aftermarket tinting; **(RECOMMENDED)** or
 - (ii) remain silent and allow vehicles to have factory fitted and/or aftermarket tinting.

6. Legal and Statutory Implications

- 6.1 The DfT Statutory Guidance states that all licensing authorities have a single policy that covers how they deal with the taxi licensing regime, and that the underlying reason for the provisions of the policy is public safety.
- 6.2 The DfT Best Practice Guidance is non-statutory which means that although it does need to be considered it does not necessarily need to be followed.

7. Equality Impact Assessment

- 7.1 Not applicable

8. Financial and Resource Implications

- 8.1 There are no financial or resource implications for the Borough Council.

9. Major Risks & Mitigation

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 August 2019 – Licensing & Public Protection Committee

12.2 January 2021 – Licensing & Public Protection Committee

12.3 February 2022 - Licensing & Public Protection Committee

13. List of Appendices

13.1 Not applicable

14. Background Papers

14.1 [Department for Transport Statutory Standards – July 2020](#)

14.2 [Department for Transport Best Practice Guidance – November 2023](#)

14.3 [Taxi Licensing Policy 2021-25](#)

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NEWCASTLE-UNDER -LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S
REPORT TO

Licensing and Public Protection Committee
12 December 2023

Report Title: Environment Act 1995 – Part IV Local Air Quality Management – Annual Status Report 2023

Submitted by: Service Director Regulatory Services & Environmental Protection Team Manager

Portfolios: Sustainable Environment

Ward(s) affected: All

<u>Purpose of the Report</u>	Key Decision Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To advise Committee of the findings of the statutory Annual Status Report (ASR) for the 2023 ASR which covers the 2022 calendar in respect of air quality within the Borough.	
<u>Recommendation</u>	
That	
1. Committee notes the content of the ASR 2023.	
<u>Reasons</u>	
1. To inform committee of the state of local air quality within the Borough for the 2022 calendar year and action being taken to monitor and improve local air quality in respect of transport related Nitrogen Dioxide levels and also particulate matter exposure.	

Background

- 1.1 Air quality is the largest environmental health risk in the UK. It shortens lives and contributes to chronic illness. Health can be affected both by short-term, high-pollution episodes and by long-term exposure to lower levels of pollution.
- 1.2 Local authorities in the UK have a statutory duties for managing local air quality under Part IV of the Environment Act 1995. District Councils have been required to review and assess air quality within their areas since 1997 for compliance against a range of pollutant objectives.
- 1.3 The Council has been carrying out reviews of air quality since December 1997; these involve measuring air pollution and trying to predict how it will change over the next few years. The review process aims to make sure that the national air quality objectives prescribed in the Air Quality Regulations http://uk-air.defra.gov.uk/assets/documents/National_air_quality_objectives.pdf will be achieved throughout the UK by the relevant deadlines. T
- 1.4 These objectives have been put in place to protect people's health and the environment. The Council has been carrying out reviews of air quality since December 1997; these involve measuring air pollution and trying to predict how it will change over the next few years. The review process aims to make sure that the national Air Quality Objectives prescribed in the Air Quality Regulations will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment. In relation to people, the objectives apply at the facades of relevant receptors, generally dwellings, hospitals, schools. Workplaces are excluded.
 - a. In terms of costs to society research commissioned by Public Health England, “found that the health and social care costs of air pollution (PM_{2.5} and NO₂) in England could reach £5.3 billion by 2035. This is a cumulative cost for diseases which have a strong association with air pollution: coronary heart disease; stroke; lung cancer; and childhood asthma.

- b. *When diseases with weaker evidence of association are also added, including chronic obstructive pulmonary disease; diabetes, low birth weight, lung cancer, and dementia, the costs could reach £18.6 billion by 2035. When all diseases are included, air pollution is expected to cause 2.4 million new cases of disease in England between now and 2035. PM_{2.5} alone could be responsible for around 350,000 cases of coronary heart disease and 44,000 cases of lung cancer in England over that time.*
 - c. *There could be around 2.5 million new cases of all of the above diseases by 2035 if current air pollution levels persist.*
 - d. *Even small changes can make a big difference, just a 1µg/m³ reduction in PM_{2.5} concentrations this year could prevent 50,000 new cases of coronary heart disease and 9,000 new cases of asthma by 2035.” (Source CLEAN AIR STRATEGY 2019 DEFRA, 2019).*
 - e. At the local level, estimated costs of the health impacts of air pollution from ultra-fine particulate matter alone is thought to be between £20 - 47 million for Newcastle-under-Lyme and between £39 – 93 million for Stoke-on-Trent. Costs to the NHS and Social Care are thought to be between £96 – 176 thousand for Newcastle-under-Lyme and between £189 – 349 thousand for Stoke-on-Trent. (Source: https://fingertips.phe.org.uk/documents/PHE_Air_Pollution_Setup.exe)
- 1.5 Local authorities therefore have an important role in bringing about improvements in air quality and ensuring compliance with statutory requirements to reduce the impact on health and associated costs to the National Health Service and the wider economy
- 1.6 The findings of the previous reviews and assessments undertaken by your Officers were last reported to committee in 2022 and are available to view online at <https://www.newcastle-staffs.gov.uk/protection/air-quality-management>

Issues

2.1 Annal Status Report 2022

2.2 This was reported to this Committee in December 2022. DEFRA have now accepted the report in full.

2.3 In respect of the Maybank, Wolstanton and Porthill AQMA DEFRA have advised that the Council should proceed to revoke this. Officers are in discussions with DEFRA officials about this and will provide a verbal update to Committee

2.4 Annual Status Report 2023

2.5 In accordance with its statutory duties, the Borough Council has submitted its Annual Status Report for 2023 which is concerned with a retrospective review of air quality within the Borough for the preceding calendar year. A copy of reports since 2009 can be found on line at [Air quality management – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](#)

2.6 Previous assessments have identified nitrogen dioxide (NO₂) as the pollutant of concern, with a number of locations within the Borough exceeding the NO₂ annual mean objective. This is principally due to road traffic emissions.

2.7 This ASR'S consider all new monitoring data and assesses the data against the Air Quality Strategy (AQS) objectives.

2.8 It also considers any changes that may have an impact on air quality.

2.9 The review of new diffusion tube monitoring data has not identified any locations outside of the four existing Air Quality Management Areas (AQMA's), declared in December 2014 within the Borough where the AQS annual NO₂ objective was exceeded in 2021.

- 2.10 Monitoring of NO₂ concentration in the AQMA's and at a variety of locations across the Borough during 2022 shows, that there has been a general decrease in NO₂, with the majority of areas now being under the annual mean objective. There are however a number of hotspots within the Town Centre and Kidsgrove which have exceeded in previous years or are at risk of exceedance in future years (within 10% of the objective).
- 2.11 The monitoring results for 2021 were treated with caution given the emergence from Covid-19 lockdowns whilst the 2022 result used in the 2023 ASR are considered to be representative of the real life situation.
- 2.12 Town Centre AQMA**
- 2.13 Air Quality in this area is influenced by local road traffic and traffic utilising the major arterial routes, which converge on the town centre. There are a number of relevant receptors where the objective applies located at the back of pavement. The network is heavily congested at peak times of the day with high volumes of low speed mixed stop start traffic. The location of this AMQA can be found online at https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=170
- 2.14 The town centre is experiencing a period of regeneration with provision for developments to provide significant numbers of new accommodation in the coming years. The former Civic Offices and Sainsburys' site is planned to be redeveloped for mixed use in the future including residential accommodation and car parking / office space.
- 2.15 In addition, a number of office spaces are able to covert to residential use without requiring consideration of air quality. This has resulted in significant increases in the numbers of relevant receptors within the area where the Council is unable to influence development.
- 2.16 The rural areas of the Borough are facing increased demands for applications for residential development, with people in these areas heavily reliant on cars to access services and employment opportunities within the town centre and wider areas.
- 2.17 Within the Town Centre, NO₂ concentrations have generally decreased each year from 2012 onwards. However, for the past five years, results have been within 10% of the UK NO₂ annual mean objective across a number of sites and some have shown exceedances prior to 2020, in particular London Road, King Street, Lower Street (Belong Care Home) and for 2022 at Sandy Lane / Etruria Road. King Street Junction
- 2.18 Accordingly, this AQMA is required to remain in place until all sites measure an annual mean NO₂ concentration that is consistently below the NO₂ annual mean legal objective for five years running, we will also maintain our monitoring network and undertake a review of the measures within the associated air quality action plan by 2024.

2.19 Porthill-Wolstanton-Maybank AQMA

- 2.20 Air Quality in this area is influenced by local road traffic and traffic utilising the junctions associated with the A500 dual carriageway. Relevant receptors in this location are mainly located at the back of footway. The main route through the area is single carriageway with traffic lighted junctions, signal controlled crossings, on street bus stops and significant sections of on street parking. Porthill Bank and Grange Lane are on significant gradients which causes strain on engines and an increase in emissions. The location of this AQMA can be found online at https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=170
- 2.21 There has been a steady decrease in NO₂ concentrations at the established diffusion tube monitoring sites within this AQMA over the past 7 years with levels for the past six years being at least 10% below the NO₂ annual mean legal objective.

2.22 Kidsgrove AQMA

- 2.23 Air Quality in this location is heavily influenced by traffic using the A34 Liverpool Road and local traffic accessing side roads from Liverpool Road within the centre of Kidsgrove. Relevant receptors

are located back of footway and in close proximity to junctions and areas of congestion. The location of this AQMA can be found online at https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=170

- 2.24 NO₂ concentrations have decreased each year from 2012 onwards within this AQMA. However the results for the last six years have hovered around the NO₂ annual mean objective.
- 2.25 Staffordshire County Council undertook a number of highway related measures aimed at reducing congestion which it is hoped will also have a complimentary effect on air quality. Plans are in place for Kidsgrove Station to be upgraded to incorporate a transport interchange and additional car parking and also a new Council Hub on Station Road. These schemes have the potential to increase traffic and alter movements through this AQMA.
- 2.26 We recommend that the AQMA remains in place until all sites measure an annual mean NO₂ concentration that is consistently greater than 10% below the NO₂ annual mean legal objective for five years running. For this purpose, we will also maintain our monitoring network and undertake a review of the measures within the associated Air Quality Action plan by 2024.
- 2.27 Little Madeley AQMA**
- 2.28 Air Quality in this location is heavily influenced by traffic using the M6 motorway which runs within 20 metres of the nearest receptor at Collingwood, 3 Newcastle Road. The location of this AQMA can be found online at https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=170
- 2.29 The NO₂ concentrations at this location dropped dramatically in 2016 and have been greater than 20% below the UK NO₂ annual mean objective for the past six years.
- 2.30 Based on monitoring and a recent consultation exercise, this AQMA was approved for revocation by this Committee in September 2023.
- 2.31 Wider Borough – Outside AQMA's**
- 2.32 There has been a general decrease in the annual NO₂ concentrations across the Borough over the past five years and no new areas of actual or at risk of exceedance have been identified.
- 2.33 We will continue to undertake monitoring and screening of activities across the wider Borough.
- 2.34 Particulate Matter (PM₁₀ and PM_{2.5})**
- 2.35 Particulate matter, or PM, is the term used to describe particles found in the air, including dust, dirt and liquid droplets. PM comes from both natural and man-made sources, including traffic emissions, burning and Saharan-Sahel dust. These particles can be suspended in the air for long periods of time, and can travel across large distances. PM can aggravate lungs, with the finer fractions, PM_{2.5} and below being able to pass from the lungs into the blood stream, potentially leading to a wide range of health effects including premature mortality, allergic reactions, and cardiovascular diseases.
- 2.36 The 2021 Environment Act saw the UK Government formally declare a PM_{2.5} limit based on WHO recommendations and which is more stringent than current EU requirements. Analysis of data from DEFRA and monitoring undertaken for Walleys Quarry does not show any background exceedances or monitored actual exceedances within the Borough.
- 2.37 Although PM₁₀ and PM_{2.5} levels within Staffordshire remain below the relevant UK objectives and EU Limit values, based on data compiled for Public Health Outcomes Framework indicator D015, and the latest available data for 2019, there were estimated to be 60 deaths in persons over 30 years within the Borough attributable to PM_{2.5}.
- 2.38 The ASR details a number of measures within the remit of the Council to reduce and sustain PM_{2.5} exposure at a local level. This includes the proposed Borough wide smoke control area – approved by committee for formal consultation and to be the subject of a future report in 2024 and also a grant bid to DEFRA to undertake PM_{2.5} indicative monitoring and behaviour change project in key areas of the Borough. Officers will know the outcome of this application sometime in March 2024.

3. **Proposal**

3.1 Committee notes the content of the ASR 2023.

4. **Reasons for Proposed Solution**

4.1 The Council is required to take the action outlined in this report in order to fulfil its statutory duties under Part IV of the Environment Act 1995

5. **Options Considered**

5.1 Nil

6. **Legal and Statutory Implications**

6.1 The Council is required to produce and submit to DEFRA an Annual Status Report in partial fulfilment of its duties under Environment Act 1995.

7. **Equality Impact Assessment**

7.1 The Environment Act 1995, Part IV requires the production of the Annual Status Report and submission to DEFRA for approval on an annual basis. The Act also requires the declaration and maintenance of an Air Quality Management Area where the statutory air quality objectives are at risk of / are being breached along with the production of a statutorily required Air Quality Action Plan.

7.2 The work does not impact on any protected groups or characteristics.

8. **Financial and Resource Implications**

8.1 There are no direct financial or resource implications coming out of this report with the production of the ASR currently met from internal budgets. The bodies responsible for delivery and funding the action plan measures are identified. A large number of the measures are reliant on significant financial resources to deliver with all potential funding streams including government grants identified where possible.

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.

9.1 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.

9.2 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 monitoring and assessment of local air quality, and the requirement for air quality management areas and associated air quality action plans contributes towards the following UN Sustainable Development Goals.



10.2 The following areas of the Council Plan 2022 to 2026 are also contributed towards -

- Priority one: One Council delivering for local people
- Priority two: a successful and sustainable growing borough
- Priority three: healthy, active, and safe communities

11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 There are none relating to this item.

13. **List of Appendices**

13.1 The Annual Status Report for 2023 is available to view online at <https://www.newcastlestaffs.gov.uk/all-services/environment/environmental-protection/air-quality-newcastleunder-lyme>

14.2 Air quality Management Area Maps for Newcastle under Lyme can be found online at https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=170

14. **Background Papers**

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

14.3 Local Air Quality Management Technical Guidance (LAQM.TG.22) (available at <https://laqm.defra.gov.uk/air-quality/featured/uk-regions-exc-london-technical-guidance/>

14.4 Local Air Quality Management Policy Guidance (LAQM PG.22) <https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf>

14.5 Air Quality Reports completed since 1997 available from <https://www.newcastle-staffs.gov.uk/protection/air-quality-management/6>

Public Document Pack Agenda Item 9

Public Protection Sub-Committee - 11/10/23

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 11th October, 2023
Time of Commencement: 6.00 pm

Present: Councillor Jacqueline Brown (Chair)

Councillors: Adcock Dymond

Apologies: Councillor(s) Parker

Officers: Nesta Barker Service Director - Regulatory Services
Anne-Marie Pollard Solicitor
Melanie Steadman Licensing Officer

Also in attendance:

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

There were no declaration 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 that 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 applicant was not in attendance following a typo in the letter they received which had brought confusion about the date of the meeting.

Resolved: That the item be deferred to the 15th November 2023 meeting.

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 both in attendance.

After very careful consideration of what had been discussed at the hearing, the officer report and the taxi licensing policy, the Sub-Committee agreed as follows.

Public Protection Sub-Committee - 11/10/23

Resolved: That a final warning be issued and that the vehicle be presented to the Council to check that the licence plate is in place within 7 days with understanding that it should not be used until then.

6. **URGENT BUSINESS**

There were no urgent business.

**Councillor Jacqueline Brown
Chair**

Meeting concluded at 6.30 pm

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Public Protection Sub-Committee - 15/11/23

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 15th November, 2023

Time of Commencement: 2.00 pm

Present: Councillor Andrew Parker (Chair)

Councillors: Sweeney Whieldon

Apologies: Councillor(s) Barker MBE and Heesom

Officers: Carol Curtin Interim Lawyer
Julie Moore Licensing Officer
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 that 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, his wife and his representative were in attendance.

After careful consideration of the officers' report and the hearing's discussion, the Sub-Committee agreed as follows.

Resolved: That in accordance with the Department for Transport's Statutory Standards and the Council's policy and guidelines, a final warning be issued.

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 his cousin were in attendance.

Public Protection Sub-Committee - 15/11/23

After careful consideration of the officers' report and the hearing's discussion, the Sub-Committee agreed as follows.

Resolved: That in accordance with the Department for Transport's Statutory Standards and the Council's policy and guidelines, the Dual Driver and Private Hire Vehicle Licence be revoked.

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

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

After careful consideration of the officers' report and the hearing's discussion, the Sub-Committee agreed as follows.

Resolved: That in accordance with the Department for Transport's Statutory Standards and the Council's policy and guidelines, a final warning be issued.

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

The applicant failed to attend the meeting.

Resolved: That the matter be deferred until the next meeting scheduled on 6th December 2023 and be heard then regardless of the applicant attendance should the applicant fail to attend again.

8. URGENT BUSINESS

**Councillor Andrew Parker
Chair**

Meeting concluded at 4.17 pm