

Date of meeting Tuesday, 12th March, 2024

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 REVIEW OF THE CUMULATIVE IMPACT ASSESSMENT** (Pages 11 - 24)
- 5 HOME OFFICE CONSULTATION - AGE VERIFICATION AND REMOTE SALES** (Pages 25 - 52)

PUBLIC PROTECTION COMMITTEE

- 6 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**
To receive declarations of interest from Members on items contained within the agenda
- 7 PUBLIC PROTECTION SUB-COMMITTEE PROGRAMME**
- 8 UPDATE ON RESULTS OF TAXI LICENSING APPEALS** (Pages 53 - 56)
- 9 CONSULTATION ON REVOCATION OF THE MAYBANK, WOLSTANTON AND PORTHILL AQMA** (Pages 57 - 64)

10 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

(Pages 65 - 66)

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

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

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

Substitute Members:	Hutchison	Brockie
	Panter	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 on your place you need to identify a Substitute member from the list above who is able to attend on your behalf

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

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LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 12th December, 2023
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Councillor Joan Whieldon (Chair)

Councillors:	Sweeney	Adcock	J Williams
	Wilkes	Dymond	G Williams
	Skelding	Wright	Brown

Apologies: Councillor(s) Parker, Barker MBE, Heesom and Allport

Substitutes: Councillor David Hutchison (In place of Councillor Gill Heesom)
Councillor John Tagg (In place of Councillor Lilian Barker MBE)

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Civic & Member Support Officer
	Darren Walters	Team Leader Environmental Protection

Also in attendance:

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

There were no declarations of interest stated.

2. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 24 October, 2023 be agreed as a correct record.

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

Resolved: That the Minutes of the meeting held on 24 October, 2023 be received.

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

There were no declarations of interest stated.

5. **PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2024-25**

Consideration was given to a report asking members to consider the proposed taxi and private hire fees following a consultation with all licence holders, trade representatives, vehicle hire companies and trade associations. No responses were received.

The Council's Licensing Administration Team Leader referred members to paragraph 2.5 which outlined the proposed fees and charges which remained unchanged from the previous meeting.

Resolved: That the proposed taxi and private hire fees for 2024/25 be approved.

[Watch the debate here](#)

6. AMENDMENT OF TAXI LICENSING POLICY PROVISIONS IN RELATION TO TINTED WINDOWS

Consideration was given to a report requesting that members consider the proposed amendment to the provisions within the taxi licensing policy in relation to tinted windows.

The Council's Licensing Administration Team Leader advised that the Council's current taxi licensing policy was introduced in 2019, since when there had been a requirement that all rear windows had an allowance for a minimum of 35% light transmission through them.

Members' attention was drawn to paragraph 2.3 of the report which stated that during a consultation it was found that there was no evidence to suggest that public safety was compromised by vehicles having tinted windows or privacy glass.

At recent trade meetings, an issue had been identified when trying to purchase new vehicles that met the Council's trade requirements, it was difficult to find ones that did not have factory fitted tinted windows. As a result, the condition within the Council's policy had been reviewed and it was recommended that the current condition be removed and to be replaced with a condition that allowed vehicles to have tinted windows and privacy glass provided it was to the manufacturers original specification and fitted at the time of manufacture.

The following recommendation had been put forward by officers:

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

Councillor Brown asked if there had ever been any safeguarding issues in relation to tinted windows and for what reasons would a driver make their windows more tinted than those that were factory fitted.

The Licensing Administration Team Leader stated that as far as he was aware, within Newcastle and the wider area there had been no issues with safety implications. In terms of the reasons for wanting tinted windows, it could be that they like that style or wanted to do something against public safety.

Councillor Sweeney agreed with the officer recommendation at 5 (c) i as most newer cars now came with tinted windows as standard.

Councillor John Williams asked what percentage determined a tinted window and blackout window.

The term tinted or blackout was used for windows that were darker than that which was legally permissible for the front windows. In law there was a specific level of light that had to be able to be transmitted through the front windscreen, driver and passenger windows but there was no legal requirement for any windows in the rear half of the vehicle.

The Chair asked for clarification as she believed it to be anything up to 30% for factory fitted windows. Taxi drivers could no longer have a vehicle older than 7 years and therefore, all new vehicles would have tinted windows. Therefore it would be unjust and at odds with the Council's policy.

It was confirmed that there were some newer vehicles that did meet the Council's policy, however the majority of vehicles did not and was therefore becoming increasingly difficult for Members of the trade to purchase new vehicles that met the Council's policy criteria.

The government guidelines for light transmission in vehicles was that the front windscreen had to let in 75% of light and front side windows had to let in at least 70% but there was no rule for the other windows.

The Chair stated that it was unfair to put that burden onto taxi drivers to find vehicles that fulfilled the Council's policy and agreed that the officers recommendation above was the ideal one.

Councillor Gill Williams agreed that blacked out windows would be fine for chauffeur driven vehicles but not for taxis as they carry vulnerable people.

The Chair asked for clarification that the report was not asking for completely blacked out windows within the recommendation.

The Licensing Administration Team Leader stated that the recommendation would allow for that as long as they were factory fitted.

Councillor Hutchison referred to paragraph 2.4 which stated that drivers were finding it difficult to source vehicles which complied with the Council's guidelines and were therefore going elsewhere but operating within this area.

Councillor John Williams agreed with tinted windows but not with blacked out windows for passenger safety reasons. Councillor Sweeney agreed with the comments in respect of fully blacked out windows and suggested that a clause be added that the tinting must be 'x'% or less. The Chair also agreed with this asking that it be limited to 30% which was the norm and not have the blacked out windows.

The Licensing Administration Team Leader stated that this could be looked at in terms of compromise but would need to look at the specifications of various manufacturers before offering a percentage and then bring a report back to this committee with an amended recommendation.

Resolved: That the Licensing Administration Team Leader look at the specifications of various manufacturers and bring a report back to this committee with an amended recommendation.

[Watch the debate here](#)

7. ENVIRONMENT ACT 1995 - PART IV LOCAL AIR QUALITY MANAGEMENT - ANNUAL STATUS REPORT 2023

Consideration was given to a report advising members of the findings of the Annual Status Report (ASR) in terms of air quality within the Borough in respect of transport related Nitrogen Dioxide levels and also particulate matter exposure during 2022.

The Council's Environmental Health Team Manager reminded members that there were four Air Quality Management Areas(AQMA): Town Centre; Porthill-Wolstanton-May Bank; Kidsgrove and Little Madeley.

At the last meeting, it had been resolved to revoke the Little Madeley AQMA so there were three active ones at present. Across the areas, the Council was compliant with the UK objectives for Nitrogen Dioxide.

DEFRA had advised that the Council should now look to revoke the Porthill-Wolstanton-May Bank AQMA. This would be reported on at the next stage of the ASR.

Particulate matter had also been looked at and the actions that the Council were taking to reduce emissions were included in the ASR.

Councillor Brown asked, in relation to Walleys Quarry how overall air quality was affected.

The Environmental Health Team Manager stated that in previous years, emissions from the landfill had been looked at which included particulate matter, sulphur dioxide and nitrogen dioxide. Previous reports had considered that the quarry was not a cause of concerning emissions from those pollutants, however that did not mean that other pollutants were not of concern. Officers were going out regularly to assess emission levels of hydrogen sulphide.

Councillor Brown asked how Newcastle was doing in comparison to Staffordshire as a whole, in terms of air quality.

There was an area of concern on Etruria Road which was subject to a ministerial direction. In relation to Nitrogen Dioxide in general, it tended to be the more urbanised Council's in Staffordshire that experienced issues. With fine particulate matter, councils did coordinate actions and there was commonality of approach. Newcastle took account of air quality at the planning stage. For example, with the Council's aspirations for the town centre – that was a significant issue that had been addressed and similar development applications for housing development or industrial applications across the Borough.

Councillor Sweeney referred to paragraph 2.3 of the report regarding DEFRA's advice to revoke the May Bank, Wolstanton and Porthill AQMA and asked if this would be kept running for another year.

It was confirmed that discussions were taking place with DEFRA regarding the Council's wish to maintain that AQMA for good reasons. Committee would be updated once a firm answer had been received.

Councillor John Williams asked if assessments had been carried out on Grange Lane and Porthill bank in respect of traffic dispersal as a result of the bus gate on Basford bank.

It was believed that an assessment had been done. The Service Director for Regulatory Services was the project lead for this and a report was due to go to Full Council in the near future.

Councillor John Williams asked if the Service Director could give a report to this Committee on the alternative routes. The Chair agreed with this point stating that shoppers and people making deliveries into the town centre should not be 'barred off' from entering.

The service Director had scheduled reports going to various committees in the new year so updates would be given to members.

Councillor Adcock asked how the nitrogen dioxide was measured at the landfill site and reassure members that it was calibrated correctly.

The Environmental Health Team Manager advised, in regard to the work undertaken by the Council, diffusion tubes were placed onto key buildings and lamp posts across the Borough. Every month, the tubes were submitted to a laboratory and the results were analysed and compared against the UK's annual mean.

At the previous meeting of this Committee members had been made aware of the Council's submission of a bid to DEFRA to install a number of monitors on lamp posts across the Borough which would give a real time picture of what was happening – particularly around school runs. The data could then be used to potentially influence changes in how people get to school.

The Chair stated that it would be useful to have reassurance that the monitoring mechanism was valid. This would be relayed to the Service Director and reported back to Members.

Resolved: That the contents of the report be noted.

[Watch the debate here](#)

8. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the Minutes of the meetings held on 11 October and 15 November, 2023 be received.

9. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

10. URGENT BUSINESS

There was no urgent business.

**Councillor Joan Whieldon
Chair**

Licensing & Public Protection Committee - 12/12/23

Meeting concluded at 7.56 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO LICENSING & PUBLIC PROTECTION COMMITTEE

12 March 2024

Report Title: Review of the Cumulative Impact Assessment

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To request that Members approve a public consultation to review the Cumulative Impact Assessment.	
<u>Recommendation</u>	
That Committee:	
<ol style="list-style-type: none"> 1. Approve a period of public consultation to allow for written representations to be submitted in review of the Cumulative Impact Assessment. 2. Approve that following the consultation a report will be presented to this Committee to determine whether the Council still require a Cumulative Impact Assessment and if so the scope of it and an implementation date for it. 	
<u>Reasons</u>	
<p>Cumulative Impact Assessments (CIA) were introduced to the Licensing Act 2003 by the Policing and Crime Act 2017. Before adopting, and when reviewing, a CIA the authority must establish the evidential basis that one is required, and consult upon its scope and extent with the same persons that must be consulted over the Statement of Licensing Policy.</p> <p>The current CIA was published on 14th July 2021 and the Council must determine whether to retain and/or amend to CIA before the 3 year anniversary of that date.</p>	

1. **Background**

- 1.1 The Committee has previously resolved to have a Cumulative Impact Policy (CIP) that covers an area of Newcastle's town centre. This was first incorporated into the authority's Statement of Licensing Policy (SLP) in July 2013.
- 1.2 The Policing and Crime Act 2017 placed the concept of a 'Cumulative Impact' from licensed premises on statutory footing for the first time. CIPs only formed part of guidance prior to that. The purpose of a CIA is to help a Council to limit the number or types of licence applications granted in areas where there is

evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

- 1.3 In 2021 the Committee resolved that there was an evidential basis to publish a CIA and confirmed that it would be a 'live' document capable of being amended when required without an amendment being made to the SLP. A copy of the current CIA is attached as **Appendix A**.
- 1.4 With previous CIPs and the current CIA Staffordshire Police have provided data to assist the Committee when determining whether there was an evidential basis to establish such a document.

2. Issues

- 2.1 The Council must review the CIA within a 3 year period of establishing it. In order to do so the Council must first consult with:

- *the chief officer of police for the area;*
- *the fire and rescue authority for the area;*
- *each local authority's Director of Public Health in England ... for an area any part of which is in the licensing authority's area,*
- *persons/bodies representative of local premises licence holders;*
- *persons/bodies representative of local club premises certificate holders;*
- *persons/bodies representative of local personal licence holders; and*
- *persons/bodies representative of businesses and residents in its area.*

- 2.2 An evidential basis is required for a decision to publish a CIA. Paragraph 14.29 of the statutory guidance states:

"Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- *Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
- *Statistics on local anti-social behaviour offences;*
- *Health-related statistics such as alcohol-related emergency attendances and hospital admissions;*
- *Environmental health complaints, particularly in relation to litter and noise;*
- *Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;*
- *Residents' questionnaires;*
- *Evidence from local and parish councillors; and*
- *Evidence obtained through local consultation."*

- 2.3 The evidential basis for CIAs may include any premises that carry on, or intend to carry on, any licensable activity. That includes the sale of alcohol for both on and off the premises consumption, late night refreshment and regulated

entertainment. When creating a CIA the Council may choose to limit the type of premises included, e.g. off-licences and nightclubs, late night takeaways and pubs, or any other mixture of premises type. The current CIA relates only to premises that carry on, or propose to carry on, the sale or supply of alcohol on or off the premises.

3. Recommendation

- 3.1 Approve a period of public consultation to allow for written representations to be submitted to review the Cumulative Impact Assessment. That the period of consultation be 4 week; and
- 3.2 Approve that following the consultation a report will be presented to this Committee to determine whether the Council still require a Cumulative Impact Assessment and if so the scope of it and an implementation date for it.

4. Reasons

- 4.1 The CIP and CIA which have operated since 2013 have served the Borough well in limiting serious problems of nuisance and disorder arising from the number, type and density of licensed premises in the town centre. The Council are required by the Licensing Act 2003 to review the CIA at least every 3 years and failure to do so would lead to it expiring.

5. Options Considered

- 5.1 To consult and review the current CIA to establish if it needs to be renewed and if so under what terms.

6. Legal and Statutory Implications

- 6.1 The Council are required by the Licensing Act 2003 to review the CIA at least every 3 years and failure to do so would lead to it expiring.
- 6.2 The Council must consult when reviewing the CIA and then publish the decision.

7. Equality Impact Assessment

- 7.1 Not applicable.

8. Financial and Resource Implications

- 8.1 There are no financial impacts identified arising from this report.
- 8.2 Licensing resources will be required to liaise with partners, collect and collate evidence, and consult with trade representatives and partners. Those resources currently exist and can be deployed on these tasks.

9. **Major Risks & Mitigation**

- 9.1 There are risks to the control of the number and type of licensed premises in the town centre associated with the Council not reviewing the CIA.

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

10.1



11. **Key Decision Information**

- 11.1 Not applicable.

12. **Earlier Committee Resolutions**

- 12.1 26th January 2021 – Licensing and Public Protection Committee – Resolved to consult on the evidential basis for a CIA.
- 12.2 16th March 2021 - Licensing and Public Protection Committee – Resolved that there was an evidential basis and to establish a CIA.

13. **List of Appendices**

- 13.1 Appendix A – 2021-2024 Cumulative Impact Assessment

14. **Background Papers**

- 14.1 Section 182 – Licensing Act 2003 Statutory Guidance



Cumulative Impact Assessment

Author: Licensing Administration Team Manager

Contact: licensing@newcastle-staffs.gov.uk

Version: 1.0

Last Updated: 14th July 2021

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What is Cumulative Impact?

Cumulative impact is “*the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.*” For example where there is a high density of licensing premises selling alcohol that give rise to crime and disorder or nuisance.

Background

The concept of “Cumulative impact” has been described within the s.182 Licensing Act 2003 Guidance and used by licensing authorities within their statements of licensing policy (SLP) since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. In general terms and effect they replace Cumulative Impact Policies (CIP), however there is no statutory transition or conversion process.

A cumulative impact assessment (CIA) may be published by licensing authorities to help them limit the number or types of licence applications granted within a specified area. They can do this where there is an evidential basis that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

Before adopting a CIA the authority must establish the evidential basis that one is required, and consult upon its scope and extent with the same persons that must be consulted over the SLP.

Cumulative Impact Assessment Details

A consultation was undertaken in early 2021 and at a meeting held on 16th March 2021 the Council’s Licensing & Public Protection Committee (the Committee) , determined that there was an evidential basis to implement a CIA to ‘replace’ the existing CIP on a like for like footing.

The area covered by the existing CIP has been retained as the area to be covered by the CIA (plan attached at **Appendix A**). The assessment will relate to all premises and business types within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises

The assessment does not relate to any applications within the specified area that propose to carry on:

- The provision of late night refreshment
- The provision of any regulated entertainment

The Committee came to this decision following statistical data provided by Staffordshire Police showing that levels of crime and Anti-Social Behaviour remained high throughout the Borough but specifically in the areas covered by the existing CIP, known as the ‘Town Centre’. Whilst figures have decreased across the Borough as a whole there has been an increase in the ‘Town Centre’ in relation to incidents around violence, ASB and Public Order and predominantly in the times associated with the night time economy. The data provided covered the three periods detailed below. The data that

relates to the 'Town Centre' is attached as **Appendix B**, and the data for the Whole Borough is attached as **Appendix C**:

- April 2018-March 2019
- April 2019-March 2020
- April 2020-November 2020

The Council decision was that to grant any further premises licences or club premises certificates, or variations of existing permissions, within the area detailed in Appendix A, would be inconsistent with the authority's duty to promote the licensing objectives.

The evidence underpinning the publication of this CIA will generally be suitable as the basis for a decision to refuse an application or impose conditions. However it does not change the fundamental way that the Council must make decisions under the 2003 Act. Therefore, each decision subject to the CIA still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of this CIA does not remove the Council's discretion to grant applications for new licences or applications to vary existing licences, where they are considered appropriate in the light of the individual circumstances of the case.

In publishing this CIA the Council is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. The Council must have regard to the assessment when determining or revising its SLP. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. As stated above, the CIA does not change the way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

This CIA does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject to at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

Whilst this CIA does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

Review of the CIA

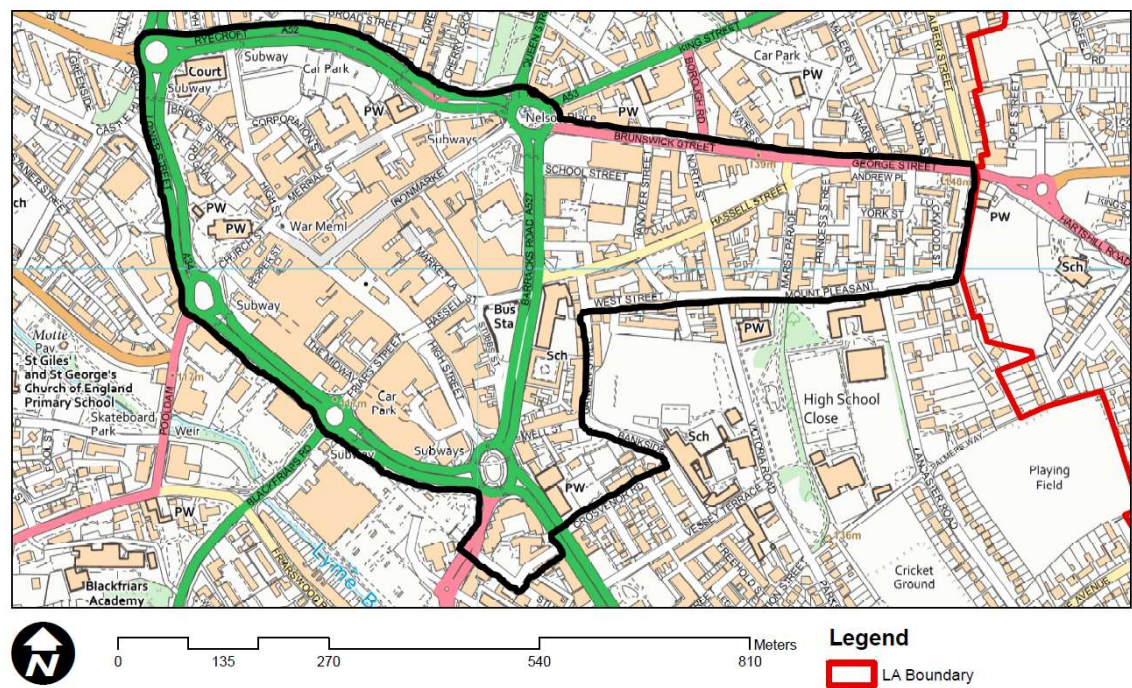
This CIA is a standalone live document and is capable of being amended, following the required consultation process and without the need for the Council to review and consult upon the SLP document.

The licensing authority must, within three years, consider whether it remains of the opinion set out in this assessment. In order to decide whether it remains of this opinion it must again consult the appropriate persons. If having consulted the Council decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its SLP at the earliest opportunity.

If having consulted the Council decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This will likely involve the collation of fresh or updated evidence of cumulative impact. The Council must also at this stage publish any other material change to the assessment. For example if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced, or where there is evidence of the emergence of a new type of problem.

In each case the three year period for reviewing a CIA begins with the original date of the publication of the CIA or the date that a CIA was last revised. Where the SLP as a whole is due for review, under the five year review period under the Act and this occurs before the end of the three year CIA review period, the Council may use this as an opportunity to carry out a review of the evidence in support of the CIA. However, the Council is free to carry out consultations and reviews of the CIA (and/or SLPs) at more regular intervals if considered appropriate.

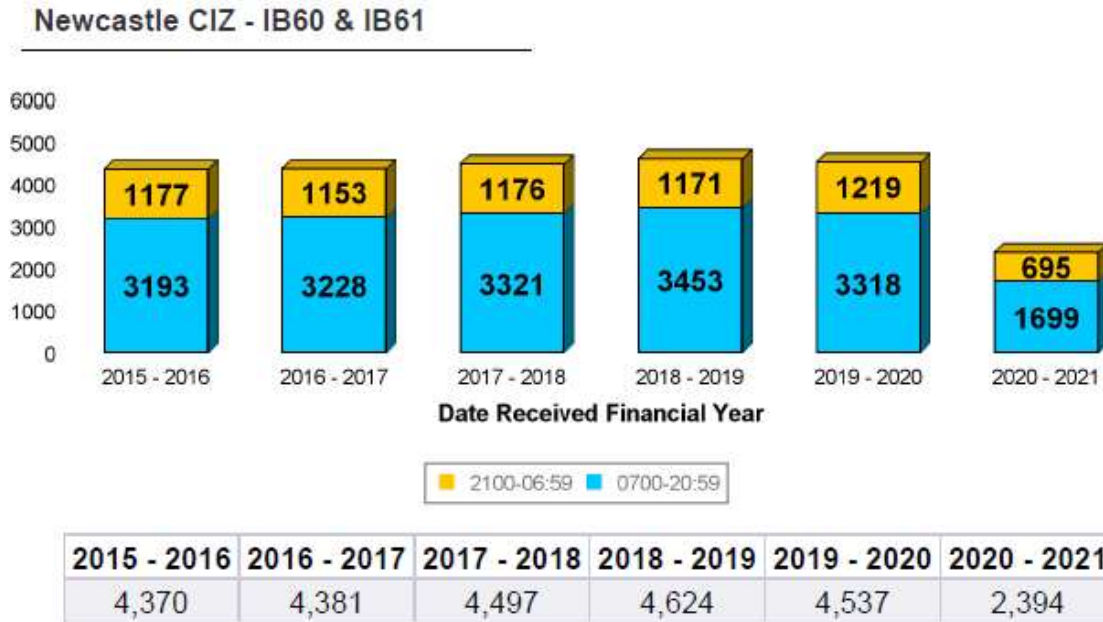
Appendix A – Plan of area covered by CIA



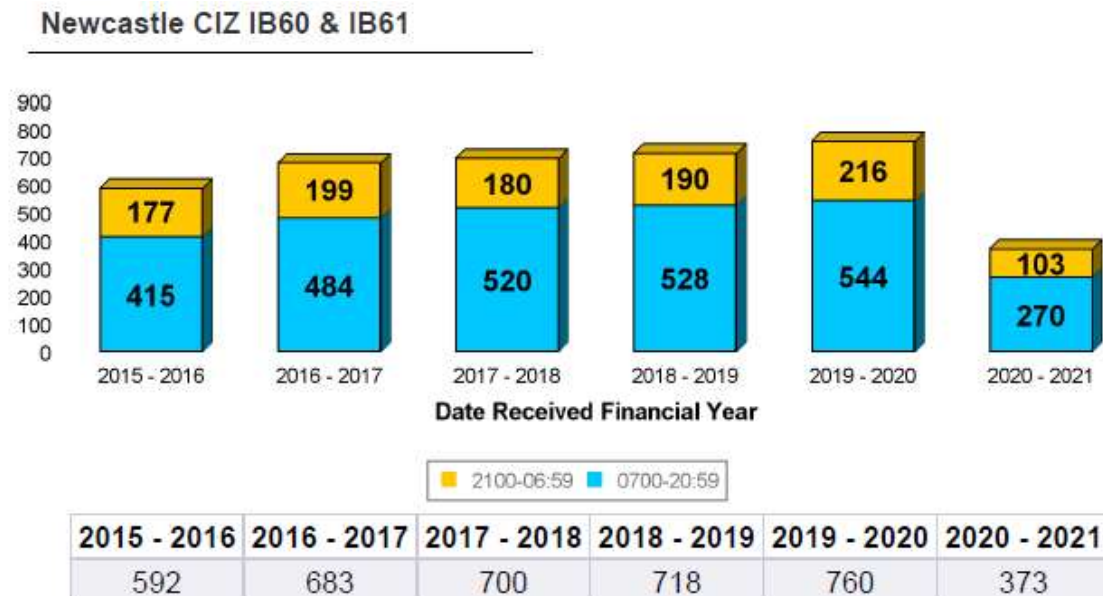
This map is reproduced from Ordnance Survey material with the permission of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings. Newcastle Under Lyme Borough Council – 100019654 - 2021.

Appendix B - Town Centre (known by Police as IB60 and IB61)

All incidents – Figure 1:

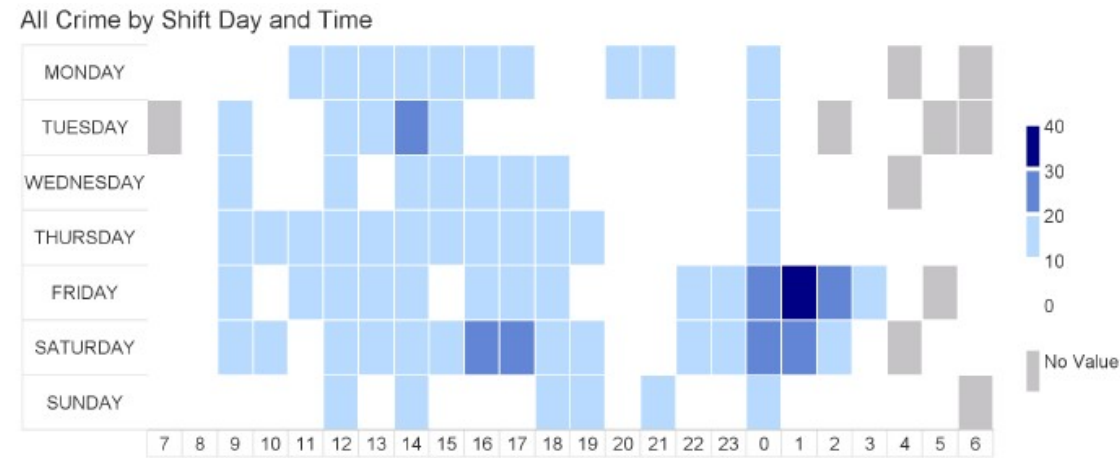


ASB incidents – Figure 2:

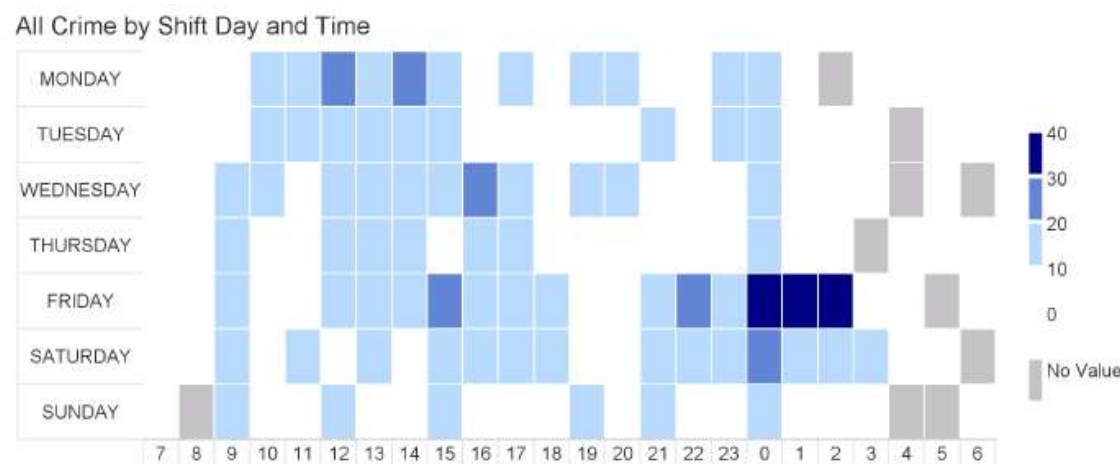


All Crime by Day and Time

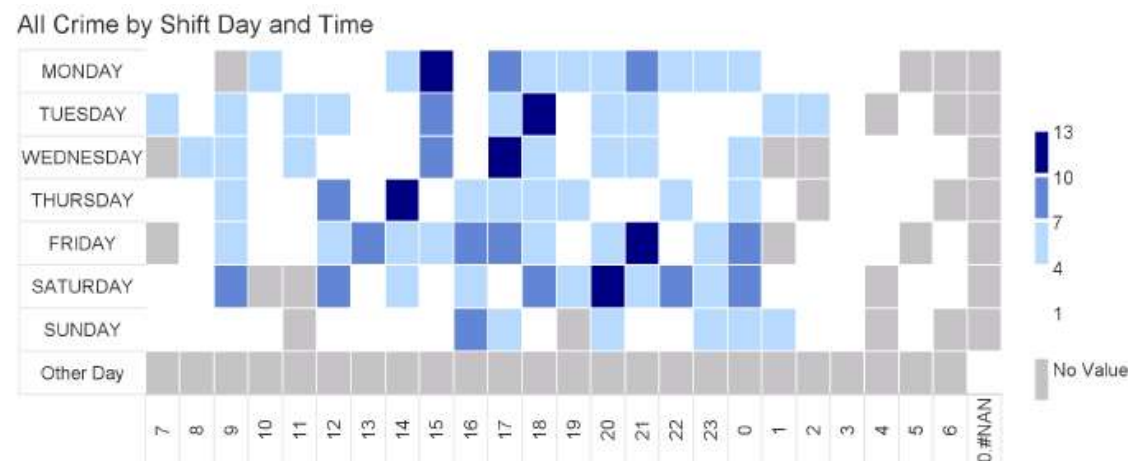
2018-19 – Figure 3:



2019-20 – Figure 4:



Apr20-Nov20 – Figure 5:



Appendix C - Whole Borough

All incidents – Figure 1:

Newcastle NPT (All RIA's)



2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
28,949	30,032	30,656	30,275	28,700	18,008

ASB incidents – Figure 2:

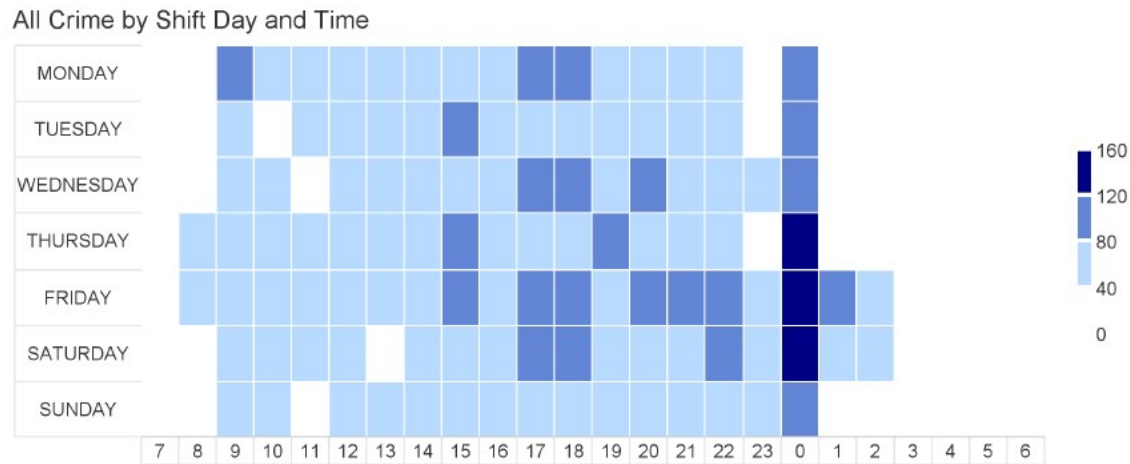
Newcastle NPT (All RIA's)



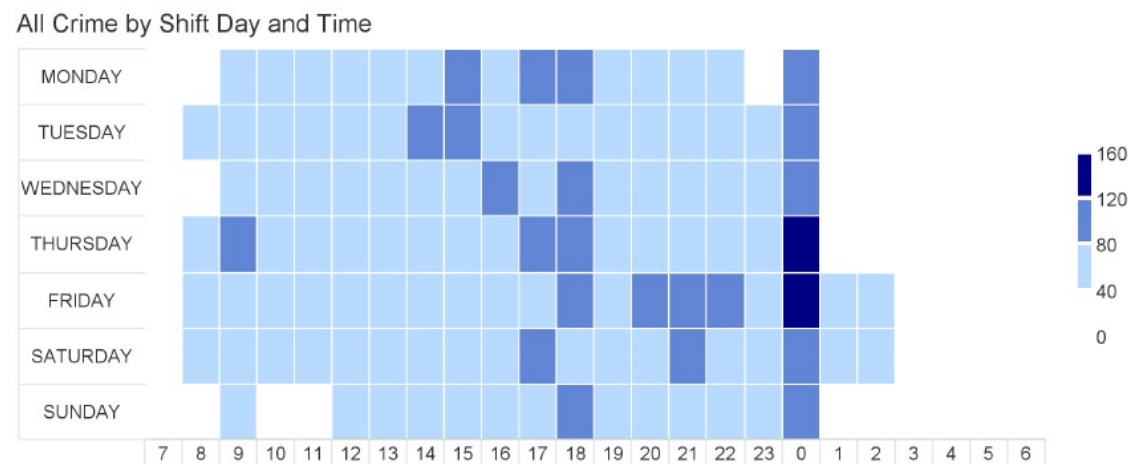
2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	2019 - 2020	2020 - 2021
3,725	4,271	4,497	4,168	3,901	2,524

All Crime by Day and Time

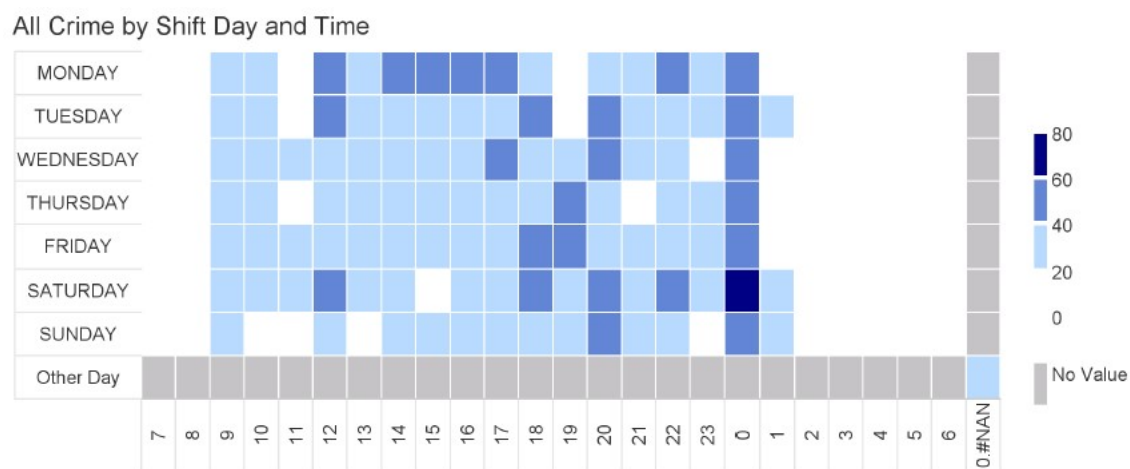
2018-19 – Figure 3:



2019-20 – Figure 4:



Apr20-Nov20 – Figure 5:



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

12 March 2024

Report Title: Home Office Consultation – Age Verification and Remote Sales

Submitted by: Service Director – Regulatory Services

Portfolios: Finance, Town Centre and 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 consider and agree the Council's response to a current Government Consultation that relates to the sale of alcohol, age verification and remote sales.			
<u>Recommendation</u> That Committee: 1. Consider and agree the proposed response to the Government consultation.			
<u>Reasons</u> The Home Office have opened a public consultation that relates to potential changes to the Licensing Act 2003 around Digital identities, age assurance technology and remote sales of alcohol. The Government are keen to enable the secure and appropriate use of new technologies that can improve the experience of consumers and retailers. They are also seeking views on when the requirement to verify the age of the purchase should take place.			

1. Background

- 1.1 The Licensing Act 2003 ('the Act') covers the retail sale and supply of alcohol in England and Wales. Secondary legislation made under the Act specifies that if anyone appears to be under 18, in order to buy alcohol they need to produce identification which bears their photograph, date of birth and either a holographic mark or ultraviolet feature. In practice this means that currently only physical identity documents are permitted.
- 1.2 Currently the Act only sets out a requirement to verify age at the point of sale or appropriation to a contract (for example in relation to remote sales, the warehouse from which goods are picked and dispatched), not at the point of delivery.

2. Issues

- 2.1 Digital identities are becoming more widespread. There is a disparity in the provisions of the Act and the types of identification that people increasingly wanting to use.
- 2.2 The Government are keen to enable the secure and appropriate use of new technologies, including a commitment to allow trusted digital identity solutions to be used where consumers choose to, they will not be compulsory. The Department for Science, Innovation and Technology (DSIT) are creating a framework of standards and governance that digital identities will have to comply with to provide the confidence required.
- 2.3 In addition to digital identification there is also the advance in age estimation and assurance technologies being developed. It is not currently at the stage where the Government are proposing that these technologies can be used in the Licensing sector, however the consultation does include questions on when the technology could be used and the benefits it may provide.
- 2.4 The consultation also seeks opinions on whether the Act, as it stands, adequately covers age verification when alcohol sales are not made face to face.
- 2.5 The consultation opened on 25th January 2024 and closes on 30th March 2024. Officers have completed a proposed response to the consultation which is attached as **Appendix A**.
- 2.6 In relation to the proposals around the use of digital identities Officers' have stated that they agree that the legislation should be amended to allow for their use and apply to all retail settings. Officers also agree that, subject to it meeting approved standards, age estimation assurance technologies should be used to assist with age verification but be set to verify against an age of 25 years that is consistent with the industry standard 'Challenge 25' programme.
- 2.7 In relation to the proposals around remote sales Officers' have stated that they disagree that the Act adequately covers age verification when alcohol sales are not made face to face. Officers' opinion is that the Act should be amended to address this and that it should apply to all delivery models.
- 2.8 Officers' have also stated that they agree that the Act should be amended to create a new offence of delivering alcohol to a person who is intoxicated, as there is a related offence already of selling alcohol to a person who is drunk. Officers also agree that widening the provisions of the 'Primary Authority' scheme to include relevant sections of the Act would be beneficial.

3. Recommendation

- 3.1 Consider and agree the proposed response to the Government consultation.

4. Reasons

- 4.1 The Home Office have opened a public consultation that relates to potential changes to the Licensing Act 2003 around Digital identities, age assurance technology and remote sales of alcohol. As a licensing authority it is appropriate to respond to consultations that relate to regulatory regimes it is involved in.

5. Options Considered

- 5.1 Consider and agree the proposed response to the Government consultation.
- 5.2 Consider and amend the proposed response to the Government consultation.
- 5.3 Do not respond to the consultation.

6. Legal and Statutory Implications

- 6.1 The Council are not under a statutory duty to respond to consultations. However, it is the Council's interest to share and offer views on proposed amendments that would have implication on both the business being regulated and ourselves as regulators.
- 6.2 Depending on the outcome of the consultation the legislative provisions may be amended.

7. Equality Impact Assessment

- 7.1 Not applicable

8. Financial and Resource Implications

- 8.1 No financial or resource implications have been identified in responding to the consultation. Depending on the outcome of the consultation the legislative provisions may be amended. This may involve additional training required for Officers' and for additional/amended compliance visits to be incorporated into the work stream.

9. Major Risks & Mitigation

- 9.1 No major risks have been identified.

10. UN Sustainable Development Goals (UNSDG)

10.1



11. Key Decision Information

11.1 Not applicable

12. Earlier Cabinet/Committee Resolutions

12.1 Not applicable

13. List of Appendices

13.1 Appendix A – Proposed Consultation Response

14. Background Papers

14.1 <https://www.gov.uk/government/consultations/alcohol-licensing-age-verification/alcohol-licensing-age-verification>

[Home](#) > [Business and industry](#) > [Running a business](#) > [Business licensing](#)
> [Alcohol licensing](#) > [Alcohol licensing: age verification](#)

[Home Office](#)

Open consultation

Alcohol licensing: age verification

Updated 25 January 2024

Applies to England and Wales

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This publication is available at <https://www.gov.uk/government/consultations/alcohol-licensing-age-verification/alcohol-licensing-age-verification>

About this consultation

Duration

For 8 weeks, closing at 23:59 on 30 March 2024.

Enquiries (including requests for the paper in an alternative format) to:

Alcohol team – age verification consultation
5th Floor, Fry Building
Home Office
2 Marsham Street
London
SW1P 4DF

Email: alcohollicensingconsultations@homeoffice.gov.uk

How to respond

Responses should be submitted online (<https://www.homeofficesurveys.homeoffice.gov.uk/s/GIHZF3/>). The questions are shown in Annex A below for reference.

Response paper

A response to this consultation exercise will be published in due course on the GOV.UK website.

All responses will be treated as public, unless stated otherwise.

Executive summary

The Licensing Act 2003 ('the Act') covers the retail sale and supply of alcohol in England and Wales. The Act requires Licensing Authorities to uphold the following four objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The fourth objective, which is the main focus of this consultation, means that alcohol must not be sold to someone under 18.

Digital identities and age assurance technology

Secondary legislation made under the Act specifies that if anyone appears to be under 18, in order to buy alcohol they need to produce identification which bears their photograph, date of birth and either a holographic mark or ultraviolet feature^[footnote 1]. In practice this means that currently only physical identity documents are permitted. As the use of digital identities^[footnote 2] is becoming increasingly widespread and more individuals look to prove things about themselves digitally, there is an increasing disparity between what existing licensing legislation allows and the forms of identity that people increasingly wish to use.

Technology, including age estimation technology, exists that could help to establish if an individual is of an age that allows them to legally purchase particular products. However, the current wording of the Act does not allow age assurance technology to play a part in the age verification process for alcohol sales. A person must make the decision whether an individual is old enough to purchase alcohol, using physical identification.

Discussions with stakeholders in the hospitality, retail and licensing sectors, as well as policing, suggest that there could be considerable support for the use of digital identities as well as technology to help to establish if an individual is old enough to purchase alcohol.

The government is also keen to enable the secure and appropriate use of new technologies that can improve the experience of consumers and retailers. We are therefore consulting on whether to amend the Act to allow individuals to utilise digital identities and age assurance technology to play a role in proving their age when purchasing alcohol. We also ask for your views on a range of related points which set out how this could work in practice and how legislation may need to change.

The government is committed to enabling the widespread use of trusted digital identity solutions across the UK economy as a matter of personal choice. The Department for Science, Innovation and Technology (DSIT) is creating a framework of standards and governance, underpinned by legislation to provide this trust, so that people and businesses know what a good and secure digital identity looks like. This will allow people to choose to prove their identity digitally with ease and confidence, as an alternative to using the physical documents we are more familiar with. Digital identities will not be compulsory, but the government is working to ensure that digital identities are inclusive and accessible for all those who choose to use them.

Regulation of age-estimation and technology that could assist with age-verification is less developed. Any change to the Licensing Act which would allow its use in alcohol sales can only take place once suitable government approved national standards are in place.

There are a number of other important considerations. Liability for complying with licensing conditions, including age-verification, sits with the licence holder. Additional players could be involved, for example the providers of technology, if licence holders were able to use technology to help with that process. We do not propose that government should be prescriptive about liability and believe that this should be left to organisations to determine through contractual arrangements. Inclusion is another. Any use will need to comply with equalities legislation. Another consideration is privacy. Any use will need to comply with data protection legislation. The Data Protection Act 2018 sets out the data protection framework in the United Kingdom and the enforcement tools that the Information Commissioner can use to regulate organisations that process personal data. Government standards for digital identity service providers, set out in the trust framework, make clear that participants in the digital verification services ecosystem must comply with data protection legislation.

Remote Sales

We are also considering whether the Act adequately covers transactions that do not take place face-to-face. Since the Act came into effect in 2005, the way in which people purchase alcohol has changed, with sales increasingly being made online, as well as in many other settings which do not initially involve face-to-face contact - for example supermarket self-checkout tills and self-scanners, and table service at restaurants.

Currently the Act only sets out a requirement to verify age at the point of sale or appropriation to a contract (for example, the warehouse from which goods are

picked and dispatched), not at the point of delivery. We are reviewing whether this is still right or whether there should be additional age checks at the point of delivery and / or service. We need to understand to what extent there may be a problem of alcohol being handed over to minors and / or to people who are already intoxicated.

We are aware of restrictions relating to the delivery of certain age-restricted products, specifically bladed articles. If retailers wish to dispatch them to a residential address, they need to enter into an agreement with a delivery company and that company must ensure that the package is not handed to a person who is under 18. It is also illegal to send bladed articles to a locker. We need to understand whether this model – or a similar model - should apply to alcohol sales.

We are therefore calling for evidence that will help us understand to what extent there may be a problem of alcohol being delivered to minors and / or people who are already intoxicated, as well as proxy sales whereby someone orders on behalf of an individual who is under 18. We would welcome the views and experience of all respondents and would be particularly interested to receive the findings of more formal evidence and research that has been carried out.

We are also consulting on whether to amend the Act, so that it is explicit about when age verification must take place, or whether this can be adequately covered in an amendment to the Section 182 guidance which accompanies the Act.

Introduction

This paper sets out for consultation whether to amend the Licensing Act so as to allow digital identities and age assurance technology to play a role in age verification for alcohol sales in England and Wales, and when age verification should take place when sales do not take place face-to-face.

The consultation and call for evidence are aimed at the hospitality sector, local licensing authorities, the police, licensed premises, members of the public, technology companies which operate in this area, and other interested parties in England and Wales where these proposals would apply.

An Impact Assessment is attached. A lack of quantitative data has prohibited the Home Office's ability to estimate the potential quantitative costs and benefits to businesses, charities or the voluntary sector. Instead, a narrative approach has been adopted to discuss potential costs and benefits. Comments on the Impact Assessment are very welcome.

Copies of the consultation paper are being sent to:

- Local Government Association
- National Association of Licensing Enforcement Officers
- Institute of Licensing
- National Police Chiefs' Council
- Association of Police and Crime Commissioners
- Office of the Information Commissioner
- Trading Standards
- Night Time Industries Association
- UK Hospitality
- British Beer and Pub Association
- Association of Convenience Stores
- Wine and Spirits Trade Association
- Alcohol Health Alliance
- Alcohol Change UK
- Institute of Alcohol Studies
- Drinkaware
- Portman Group
- Proof of Age Standards Scheme
- Community Alcohol Partnerships
- Residents associations

However, this list is not meant to be exhaustive or exclusive. Responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

We ask that you consider options 1 to 3, and separately consider options 4 to 6.

Digital Identities & Technology

Do nothing: only traditional identity documents which contain a holographic image or ultraviolet feature are acceptable for age verification for alcohol sales.

Option 2

Alongside traditional identity documents, also allow digital identities to be used for age verification for alcohol sales. And / or

Option 3

Alongside traditional identity documents, also allow age estimation and other technology to be used for age verification for alcohol sales.

Remote Sales

Option 4

Do nothing. Age verification checks, checks to establish that an individual is not already intoxicated, and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract.

Option 5

Amend the Licensing Act so that age verification checks, checks to establish that an individual is not already intoxicated, and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract and also at the point of delivery/service. Or

Option 6

Amend the Section 182 guidance which accompanies the Licensing Act to advise that age verification checks, checks to establish that an individual is not already intoxicated and checks that a sale is not a proxy sale must take place at the point of sale/appropriation to a contract and should additionally take place at the point of the point of delivery/service.

Contact details and how to respond

Please send your response online

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(<https://www.homeofficesurveys.homeoffice.gov.uk/s/GIHZF3/>)

Alcohol team – age verification consultation
5th Floor, Fry Building
Home Office
2 Marsham Street
London
SW1P 4DF

Email: alcohollicensingconsultations@homeoffice.gov.uk

Complaints or comments

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

Extra copies

Alternative format versions of this publication can be requested from alcohollicensingconsultations@homeoffice.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be published in due course. The response paper will be available online at GOV.UK.

Representative groups

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

Confidentiality

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

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

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

Consultation principles

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

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

Annex A: Questionnaire

(<https://www.homeofficesurveys.homeoffice.gov.uk/s/GIHZF3/>)

Digital identity / technology

The government is committed to enabling the widespread use of trusted digital identity solutions across the UK economy as a matter of personal choice. The Department for Science, Innovation and Technology (DSIT) is creating a framework of standards and governance, underpinned by legislation to provide this trust, so that people and businesses know what a good and secure digital identity looks like. This will allow people to choose to prove their identity digitally with ease and confidence, as an alternative to using the physical documents we are more familiar with. Digital identities will not be compulsory, but DSIT is working to ensure that digital identities are inclusive and accessible for all those who choose to use them. DSIT is taking a technology-neutral, standards-based approach that will support innovation in this new market. The Government has no plans to mandate the use of digital identities or a national ID card.

DSIT has published the UK digital identity and attributes trust framework^[footnote 3], which is a set of rules that digital identity providers can be certified against to show users that their services are trustworthy. The framework contains rules on privacy and data protection, fraud management, cyber and information security, and ensuring that products and services are inclusive. The trust framework will help organisations check identities and share attributes in a trusted and consistent way, so that a digital identity created for one purpose can be reused for another, when someone wishes to do so. The trust framework is not mandatory for organisations to follow. However, certification against the trust framework will provide evidence that organisations are meeting high standards and can be trusted. We are considering aligning any amendment to the Licensing Act to reflect current and future digital identity provisions.

Regulation of age-estimation and other technology that could assist with age-verification is less developed. Any change to the Licensing Act which would allow its use in alcohol sales can only take place once suitable government approved national standards are in place.

There are a number of other important considerations. Liability for complying with licensing conditions, including age-verification, sits with the licence holder. Additional players could be involved, for example the providers of technology, if licence holders were able to use technology to help with that process. We do not propose that government should be prescriptive about liability and believe that this should be left to organisations to determine through contractual arrangements. Inclusion is another. Any use will need to comply with equalities legislation. Another consideration is privacy. Any use will need to comply with data protection legislation. The Data Protection Act 2018 sets out the data protection framework in the United Kingdom and the enforcement tools that the Information Commissioner can use to regulate organisations that process personal data. The trust framework makes clear that participants in the digital verification services ecosystem must comply with data protection legislation and we are not proposing any additional measures.

Q1. Do you agree or disagree that the Licensing Act 2003 should be amended to allow customers wishing to purchase alcohol to present a digital identity certified against the UK digital identity and attributes trust framework when needing to confirm their age?

Agree Disagree Neither agree nor disagree

Q2. If you answered 'agree' to question 1, to help us understand the extent of interest in the use of digital identity, which of the following settings do you think this should apply to? Please tick all that apply and use the free text box at the end of the questionnaire to explain any concerns you may have about use in particular settings.

All settings

Off-licences

Supermarkets

Convenience stores

Restaurants

Pubs and bars

Clubs

Online retailers

Other – please specify

Q3. Do you agree or disagree that the Licensing Act 2003 should be amended so as to allow age estimation and other age assurance technology, certified against government-set standards, to assist with age verification?

Agree Disagree Neither agree nor disagree

Q4. If you answered 'agree' to Q3, to help us understand the extent of interest in the use of age assurance technology, which of the following settings do you think this should apply to? Please tick all that apply and use the free text box at the end of the questionnaire to explain any concerns you may have about use in particular settings.

All settings

Off-licences

Supermarkets

Convenience stores

Restaurants

Pubs and bars

Clubs

Online retailers

Other – please specify

Q5. Currently, age estimation technology exists whereby if the technology detects that an individual looks younger than the age threshold that has been set, the system flags that another person needs to verify the age of that individual. If allowed, what minimum age threshold do you think age estimation and other technology should be set at? Please tick one.

18

21

25

Should not be prescribed

Other age over 18 (please specify)

Q6. Do you agree or disagree that technology should only assist in age verification decision making? In other words, must a person always make the final decision for alcohol sales where technology suggests that an individual may be underage?

Agree Disagree Neither agree nor disagree

Q7. If digital identities and age assurance technology is used to assist with age verification for alcohol sales, what impact do you think this would have on licensing objectives? Please tick one box for each licensing objective.

Licensing objective	Positive impact	No impact	Negative impact	Don't know
Prevention of crime and disorder	<input checked="" type="checkbox"/>			
Public safety		<input checked="" type="checkbox"/>		
Prevention of public nuisance		<input checked="" type="checkbox"/>		
Protection of children from harm	<input checked="" type="checkbox"/>			

Q8. Do you agree or disagree that any provider of digital identity services used for age verification for alcohol sales should be certified against government standards contained within the UK digital identity and attributes trust framework?

Agree Disagree Neither agree nor disagree

Q9. Part 7 of the Licensing Act 2003 sets out licensing offences that are committed by a person in the context of alcohol sales. Which of the following best describes how you think responsibility for these offences should be defined in the Licensing Act if digital identities and other technology are allowed? Please tick one.

Do not amend the Licensing Act, meaning that offences are committed by the licence holder. Any liability on the part of the technology provider (for example errors) would be covered via standard commercial contractual arrangements.

Add clauses to the Licensing Act which place additional responsibility on the provider of faulty or inaccurate equipment or technology.

Add clauses to the Licensing Act which require licence holders to be responsible for ensuring that equipment or technology is accurate and fully functioning.

Other (please specify)

Q10. If an individual works in a premises that allows digital identities alongside traditional identity documents, do you agree that there should be a requirement for staff to receive training?

Agree Disagree Neither agree nor disagree

Q11. If an individual works in a premises that allows age assurance technology alongside traditional identity documents, do you agree that there should be a requirement for staff to receive training?

Agree Disagree Neither agree nor disagree

Q12. Do you agree or disagree that there should be a requirement for licensing officers to receive training in digital identities?

Agree Disagree Neither agree nor disagree

Q13. Do you agree or disagree that there should be a requirement for licensing officers to receive training in age assurance technology?

Agree Disagree Neither

Remote sales

To assist with answering questions about remote sales, please read the following extracts from the Licensing Act and its accompanying guidance.

The Licensing Act (Mandatory Licensing Conditions) (Amendment) Order 2014^[footnote 4] states:

3.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Section 151 of the Licensing Act further states^[footnote 5]:

(1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18 —

(a) alcohol sold on the premises, or

(b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

(2) A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.

(3) This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.

(4) A person to whom subsection (5) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol supplied on relevant premises by or on behalf of a club to or to the order of a member of the club.

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(5) This subsection applies—

(a) to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the supply, and

(b) to any member or officer of the club who at the time of the supply in question is present on the premises in a capacity which enables him to prevent the supply.

(6) Subsections (1), (2) and (4) do not apply where—

(a) the alcohol is delivered at a place where the buyer or, as the case may be, person supplied lives or works, or

(b) the individual aged under 18 works on the relevant premises in a capacity, whether paid or unpaid, which involves the delivery of alcohol, or

(c) the alcohol is sold or supplied for consumption on the relevant premises.

(7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Additionally, the Licensing Act states:

190- Location of sales^{[\[footnote 6\]](#)}

(1) This section applies where the place where a contract for the sale of alcohol is made is different from the place where the alcohol is appropriated to the contract.

(2) For the purposes of this Act the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract.

And the accompanying explanatory notes^{[\[footnote 7\]](#)} state:

285. Where the place where a sale of alcohol takes place is different from the place from which the alcohol is supplied, the sale is treated as having happened at the place from which the alcohol is appropriated to the contract. For example, when alcohol is bought via mail order or a telephone call centre, the sale will, for the purposes of the Act, have taken place at the warehouse from which the alcohol would be delivered, and not the call centre. The requirement for a premises licence will therefore apply to the warehouse rather than the call centre.

Section 182 guidance states:

3.8 The sale by retail of alcohol is a licensable activity and may only be carried out in accordance with an authorisation under the 2003 Act. Therefore, a person cannot sell alcohol from a vehicle or moveable structure at a series of different locations (e.g. house to house), unless there is a premises licence in respect of

the vehicle or moveable structure at each location at which a sale of alcohol is made in, on or from it.

3.9 The place where the order for alcohol, or payment for it, takes place may not be the same as the place where the alcohol is appropriated to the contract (i.e. the place where it is identified and specifically set apart for delivery to the purchaser). This position can arise when sales are made online, by telephone, or mail order. Section 190 of the 2003 Act provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. It will be the premises at this location which need to be licensed; for example, a call centre receiving orders for alcohol would not need a licence but the warehouse where the alcohol is stored and specifically selected for, and despatched to, the purchaser would need to be licensed. These licensed premises will, as such, be subject to conditions including the times of day during which alcohol may be sold. The premises licence will also be subject to the mandatory licence conditions.

3.10 Persons who run premises providing 'alcohol delivery services' should notify the relevant licensing authority that they are operating such a service in their operating schedule. This ensures that the licensing authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, may consider contacting their licensing authority for its view on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

Q14. Do you agree or disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face? Please consider remote transactions (telephone and online) as well as other occasions when a person may not initially be directly involved in the transaction, for example at supermarket self-checkout tills, when a self-scanner is used and when ordering from your table at a pub or restaurant.

Agree	Disagree	Neither agree nor disagree
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Q15. If you disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face, what would be the best way to address this?

Amend the Section 182 guidance which accompanies the Act

Industry produced guidance

All of the above

Other

Q16. If you disagree that the Licensing Act 2003 adequately covers age verification when alcohol sales do not take place face-to-face and agree that legislation and / or guidance should be amended, should this apply to all delivery models? Please tick all those to which you think this should apply.

Additional information		Yes	No
All delivery models			
Delivery takes place next day or later	Planned delivery using delivery drivers who are employed by the company which holds the alcohol licence.		
Delivery takes place next day or later	Planned delivery using delivery drivers who are not employed by the company which holds the alcohol licence.		
Fast delivery service	Delivery usually within an hour of ordering. Customer orders via an app. Business model is to sell and deliver alcohol via that app.		
Fast delivery service	Delivery usually within an hour of ordering. Customer orders via an app. The app does not have an associated alcohol licence and the business model is delivery only.		
Restaurants, pubs, bars and clubs offering direct order / delivery service	Driver is an employee of the licensed premises.		
Restaurants, pubs, bars and clubs offering direct	Third party delivery driver.		

Additional information		Yes	No
order / delivery service			
E-commerce – selling from their own stock	Not including licensed specialist alcohol merchants. Driver is an employee of the licensed premises.		
E-commerce – selling from their own stock	Not including licensed specialist alcohol merchants. Third party driver.		
Dropship	E-commerce that does not have own stock and supplies via a third party.		
Other – please specify			

Q17. Do you agree or disagree that the Licensing Act 2003 should be amended to specify that it is an offence to deliver to/serve alcohol to someone who is already intoxicated?

Agree Disagree Neither agree nor disagree

Q18. Do you agree that the provision of Primary Authority* would be beneficial to changes made to relevant sections of the Licensing Act?

Agree Disagree Neither agree nor disagree

*Primary Authority is a scheme for businesses to receive assured and tailored advice (known as Primary Authority advice) on meeting environmental health, trading standards or fire safety regulations through a single point of contact. This enables businesses to invest with confidence in products, practices, and procedures, knowing that the resources they devote to compliance are well spent and it helps businesses get it right first time, driving up compliance.

The scheme is based on the formation of legal “primary authority” partnerships between businesses and individual local authorities and/or fire rescue authorities. It is used successfully across the majority of regulations where Trading Standards, Environmental Health and Fire & Rescue services have an enforcement role. It

enables businesses to receive customised advice from the primary authority in relation to complying with legislation that is within scope of the scheme.

The scheme is governed by the Regulatory Enforcement and Sanctions Act 2008 (RESA) and provides greater regulatory consistency and certainty for businesses that operate across multiple local authority areas.

The primary authority scheme enables businesses to receive primary authority advice on provisions with the regulations which are enforced by local authorities and Fire & Rescue Services. It is one of the principal ways government makes regulation easier and simpler for businesses to understand and follow. It does this primarily by enabling assured advice to be provided through one local authority/FRS as a single point of contact. This reduces costs for businesses in complying with the law (as they can get it right first time) and encourages more consistent enforcement, as local enforcers must take account of any primary authority advice given to a business.

This model has been successful in other areas of regulation, with over 100,000 businesses signed up to primary authority partnerships and benefitting from assured advice since the scheme started in 2009.

Primary Authority is already in scope for certain aspects of age restricted products, including alcohol sales, which many businesses utilise and find beneficial. Extending the scope of the scheme could provide local authorities with the opportunity to provide further regulatory assistance within the alcohol sector, helping them to improve sector compliance, and build better relationships with businesses.

Q19. Please use the space provided below to tell us any comments you have on any matter covered in this consultation. If your submission is lengthy, please submit your answers to questions 1-18 via this form and email additional information and data to:

alcohollicensingconsultations@homeoffice.gov.uk

About you

Full name (optional)

Job title or capacity in which you are responding to this consultation exercise
(for example, member of the public)

Company name/organisation (if applicable)

Address (optional)

Postcode

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

1. The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 (<https://www.legislation.gov.uk/ukSI/2014/2440/contents/made>)
 2. A digital identity is a digital representation of someone's identity information, including name and age, as well as biometric information on request.
 3. UK digital identity and attributes trust framework beta version (0.3) - GOV.UK (www.gov.uk) (<https://www.gov.uk/government/publications/uk-digital-identity-and-attributes-trust-framework-beta-version/uk-digital-identity-and-attributes-trust-framework-beta-version>)
 4. The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 ([legislation.gov.uk](https://www.legislation.gov.uk)) (<https://www.legislation.gov.uk/ukdsi/2014/9780111116906>)
 5. Licensing Act 2003 ([legislation.gov.uk](https://www.legislation.gov.uk)) (<https://www.legislation.gov.uk/ukpga/2003/17/section/151>)
 6. Licensing Act 2003 ([legislation.gov.uk](https://www.legislation.gov.uk)) (<https://www.legislation.gov.uk/ukpga/2003/17/section/190>)
 7. Licensing Act 2003 - Explanatory Notes ([legislation.gov.uk](https://www.legislation.gov.uk)) (<https://www.legislation.gov.uk/ukpga/2003/17/notes/division/4/9/20>)
- ↑ [Back to top](#)
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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

12 March 2024

Report Title: Update on results of Taxi Licensing Appeals

Submitted by: Service Director - Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To update Members on the results of all Taxi Licensing Appeals that have been considered since last reported to Committee.			
<u>Recommendation</u>			
That Members note the contents of the report.			
<u>Reasons</u>			
To inform Members of the results of appeals made to the Court following decisions made by the licensing authority.			

1. **Background**

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

2. **Issues**

- 2.1 Since 4th July 2023 the Council has been involved in seven Magistrates' Court appeals. Four of the matters were adjourned to future dates. Two of those were adjourned on the day, with both parties present, due to a lack of court time. The other two were adjourned in advance of the hearing date by the Court for unspecified reasons.

2.2 The remaining three appeals were withdrawn by the appellants prior to the hearings taking place. Two of these were following Sub-Committee decisions to revoke driver licences but once the appeals were withdrawn they were no longer able to continue to work as taxi drivers. The third appeal withdrawn was following an officer decision to suspend a driver licence pending the receipt of a new DBS certificate, as their update service subscription has expired. Upon receipt of the new DBS certificate the suspension was lifted and the individual recommenced driving, withdrawing the appeal.

2.3 At the time of the report being written the Council have eleven outstanding appeals to defend in the Magistrates' Court and none in the Crown Court.

3. **Recommendation**

3.1 The Members note the contents of the report.

4. **Reasons**

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

5. **Options Considered**

5.1 No other options have been considered.

6. **Legal and Statutory Implications**

6.1 Set out in the body of the report.

7. **Equality Impact Assessment**

7.1 Not applicable.

8. **Financial and Resource Implications**

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

9. **Major Risks & 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 Not applicable.

13. List of Appendices

13.1 None

14. Background Papers

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

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
CORPORATE LEADERSHIP TEAM
REPORT TO

Licensing and Public Protection Committee
12 March 2023

Report Title: Environment Act 1995 Part IV– Consultation on revocation of The May Bank, Wolstanton and Porthill AQMA

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

Portfolios: Sustainable Environment

Ward(s) affected: May Bank, Wolstanton, Porthill

Purpose of the Report

To seek authority from Committee to consult with relevant stakeholders on the revocation of the May Bank, Porthill and Wolstanton Air Quality Management Area

Recommendation

That

1. Committee authorises officers to enter into a six week consultation exercise with relevant stakeholders with a view to revocation of the May Bank, Wolstanton and Porthill AQMA.
2. Committee receives a further report containing proposals for the May Bank, Wolstanton and Porthill AQMA along with details of consultee responses.

Reasons

1. That monitoring of nitrogen dioxide levels against the prescribed annual mean objective have been compliant for the last seven years and accordingly DEFRA has advised the Council to revoke this Air Quality Management Area.

1. 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](http://uk-air.defra.gov.uk/assets/documents/National_air_quality_objectives.pdf) 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. 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.

- 1.4 The review process aims to make sure that the national Air Quality Objectives prescribed in the Air Quality Regulations http://ukair.defra.gov.uk/assets/documents/National_air_quality_objectives.pdf 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.
- 1.5 In terms of costs to society recent 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.*
- 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.*
- 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).*
- 1.6 The World Health Organisation, estimates that poor air quality within the UK costs the economy circa £54 billion which is equivalent to 3.7% of British GDP (based on 2010 data). It also accounts for 29,000 premature deaths annually. (Source: WHO Regional Office for Europe, OECD (2015). Economic cost of the health impact of air pollution in Europe: Clean air, health and wealth. Copenhagen: WHO Regional Office for Europe. <http://www.euro.who.int/en/mediacentre/events/events/2015/04/ehp-mid-term-review/publications/economic-cost-of-the-healthimpact-of-air-pollution-in-europe>)
- 1.7 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.

Issues

- 2.1 In accordance with its statutory duties, the Borough Council has recently completed its Annual Status Report for 2023. A copy of the report can be found on line at [Air quality management – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](http://newcastle-staffs.gov.uk)
- 2.2 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.

The May Bank, Wolstanton and Porthill AQMA

- 2.3 [The May Bank, Wolstanton and Porthill AQMA](#) was formally declared by the Council in 2016 due to actual measured exceedances of the 40 microgramme Nitrogen Dioxide Annual Mean Objective in previous years. This AQMA was declared to comply with the requirements placed upon the Council by virtue of Part IV of the Environment Act 1995. The location of this AQMA can be found in **Appendix A**.

2.4 Air Quality in this location is heavily influenced by traffic using the High Street at Wolstanton and May Bank and also Porthill Bank. Since the completion of works to the Grange Lane Link Road and Etruria Valley Link Road, there have been notable decreases in traffic movements along the above roads.

2.5 The NO₂ concentrations at this location dropped dramatically in 2016 and have been greater than 10% below the UK NO₂ annual mean objective for the past six full calendar years and continue to exhibit a downward trajectory as shown in Appendix B.

2.6 Given that this location has been complaint for the past six years and in accordance with DEFRA guidance and advice to the Council, it is now recommended to revoke this AQMA.

2.7 Your officers, subject to committee approval, now intend to embark on consultation with key stakeholders (to include local residents and businesses, Borough and County Councillors for the area, Stoke on Trent City Council, Highways England, Staffordshire County Council Highways and Public Health) concerning this and will bring a report back to this Committee for consideration.

3. **Proposal**

3.1 Committee authorises officers to enter into a Six week consultation exercise with relevant stakeholders with a view to revocation of the May Bank, Porthill and Wolstanton AQMA.

3.2 Committee receives a further report at a future meeting containing proposals for the May Bank, Wolstanton and Porthill AQMA along with details of consultee responses.

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 DEFRA have formally confirmed that they expect the Council to proceed with revocation of the May Bank, Porthill and Wolstanton AQMA given that it has been compliant for five or more years.

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.

6.3 Before doing so, the Council must formally consult with relevant stakeholders.

7. **Equality Impact Assessment**

7.1 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.

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 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) & Council Plan 2022 to 2026**

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 <https://sdgs.un.org/goals>



10.2 The following areas of the Council Plan 2022 to 2026 <https://www.newcastle-staffs.gov.uk/downloads/download/506/council-plan-2022-26> are also contributed towards

- Priority 1 – One Council delivering for Local People.
- Priority 3 –Healthy, active and safe communities.
- Council Plan Outcome 1.3 The negative impact that the Council, residents and local businesses have on the environment will have reduce.

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 Appendix A . Air quality Management Area Map for May Bank, Wolstanton and Potrhill https://www.laqmportal.co.uk/aqma_maps//maybank-porthill-aqma-map0.jpg

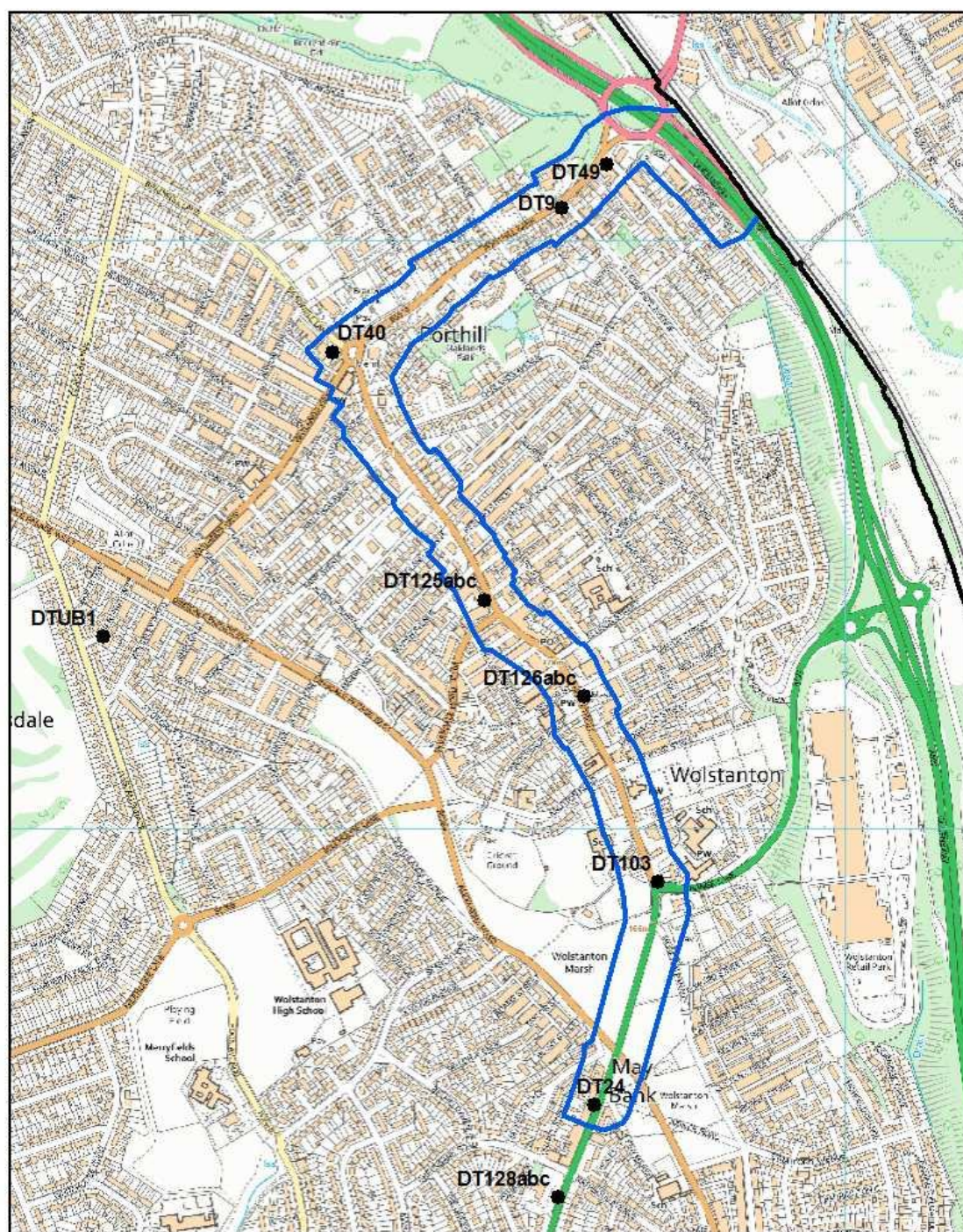
13.2 Appendix B. May Bank, Wolstanton and Porthill AQMA annual mean results 2016 to 2022 <https://www.newcastlestaffs.gov.uk/all-services/environment/environmental-protection/air-quality-newcastleunder-lyme>

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.23) (available at <http://laqm.defra.gov.uk/documents/LAQM-TG16-April-16-v1.pdf0>)
- 14.3. Local Air Quality Management Policy Guidance (LAQM PG09) ([available to view at https://www.gov.uk/government/publications/local-air-quality-management-policy-guidance-pg09](https://www.gov.uk/government/publications/local-air-quality-management-policy-guidance-pg09))
- 14.4. Air Quality Reports completed since 1997 available from <https://www.newcastlestaffs.gov.uk/all-services/environment/environmental-protection/air-quality-newcastleunder-lyme>

Appendix A.

Figure 1 Map of May Bank, Wolstanton and Porthill AQMA



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Newcastle Under Lyme Borough Council - 100019654-2022

● DTs 2020

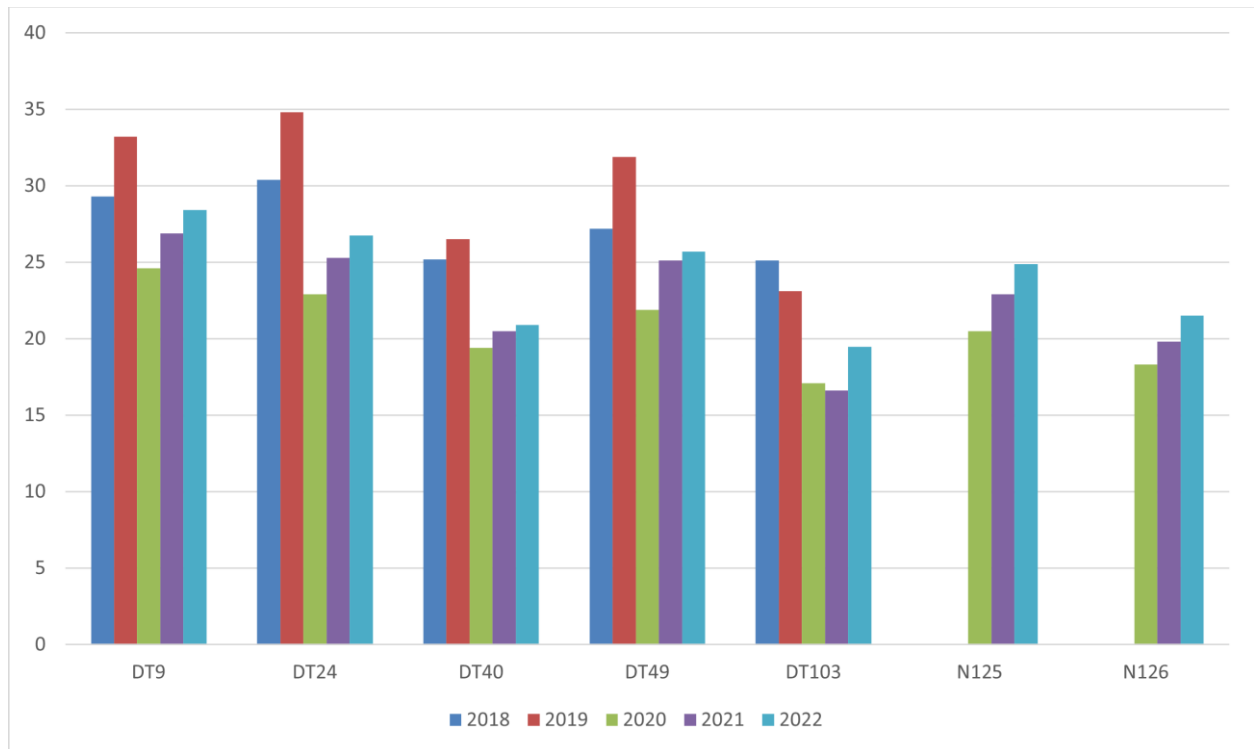
— NuLBC Boundary

— AQMA Boundary

Scale 1:8,000

Appendix B.

Nitrogen Dioxide annual mean diffusion tube results 2018 to 2022- May Bank, Wolstanton and Porthill AQMA



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Public Document Pack Agenda Item 10

Public Protection Sub-Committee - 17/01/24

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 17th January, 2024
Time of Commencement: 2.32 pm

[View the agenda here](#)

Present: Councillor Joan Whieldon (Chair)

Councillors: Brown

Substitutes: Councillor John Williams

Apologies: Councillor(s)

Officers:	Matthew Burton	Licensing Administration Team Manager
	Julie Moore	Licensing Officer
	Anne-Marie Pollard	Solicitor

1. APPOINTMENT OF CHAIR

Cllr Whieldon was appointed as Chair.

2. APOLOGIES

The meeting started one hour late as a result of two members failing to attend and a substitute needing to be called in.

3. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

4. 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.

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

The Sub-Committee considered a relevant matter which fell outside of Council Policy. The applicant failed to attend the meeting.

After careful consideration of the officers' report, the Department for Transport's Statutory Standards and the Council's policy and guidelines, the Sub-Committee agreed as follows.

Resolved: That the Dual Driver Licence be revoked.

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

The Sub-Committee considered a relevant matter which fell outside of Council Policy. The applicant and two Hackney Carriage Association members were in attendance.

After careful consideration of the discussion, the officers' report, the Department for Transport's Statutory Standards and the Council's policy and guidelines, the Sub-Committee agreed as follows.

Resolved: That the application for a Hackney Carriage Vehicle Licence be granted with the condition that the previous grandfather rights be attached to the licence.

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

The Sub-Committee considered a relevant matter which fell outside of Council Policy. The applicant was not in attendance and had requested that the meeting went ahead in their absence.

After careful consideration of the officers' report, the Department for Transport's Statutory Standards and the Council's policy and guidelines, the Sub-Committee agreed as follows.

Resolved: That the application for a Private Hire Operator Licence be granted with the additional condition that should the nominated point of contact change, the Borough Council be contacted in writing within 14 days to ensure the original intention of the criteria is met, and that any new/future point of contact undergo the Disability and Safeguarding training before taking up the role.

8. URGENT BUSINESS

There was no urgent business.

**Councillor Joan Whieldon
Chair**

Meeting concluded at 3.45 pm