

8 CONSULTATION RESPONSES IN RELATION TO THE REVOCATION OF, AND CHANGES TO, EXISTING SMOKE CONTROL AREAS (Pages 27 - 38)

9 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 39 - 40)

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

10 DISCLOSURE OF EXEMPT INFORMATION

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

11 URGENT BUSINESS

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

Members: Councillors Whieldon (Chair), Johnson (Vice-Chair), Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams, Whitmore 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	Fox-Hewitt
	Parker	D Jones
	J Tagg	Richards
	J Waring	Stubbs
	Burnett-Faulkner	Lewis

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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Agenda Item 3

Licensing & Public Protection Committee - 30/01/25

LICENSING & PUBLIC PROTECTION COMMITTEE

Thursday, 30th January, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present:	Councillor Joan Whieldon (Chair)		
Councillors:	Johnson Heesom Sweeney	Adcock Wright J Williams	Whitmore Brown
Apologies:	Councillor(s) Wilkes, Skelding, Dymond, Allport and G Williams		
Substitutes:	Councillor David Hutchison (In place of Councillor Craig Skelding) Councillor Lesley Richards (In place of Councillor Gillian Williams)		
Officers:	Matthew Burton Geoff Durham Gillian Taylor	Licensing Administration Team Manager Civic & Member Support Officer Housing Manager	

1. **APOLOGIES**

There were no apologies.

2. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 29th October 2024 be agreed as a true and accurate record.

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

Resolved: That the minutes of the Licensing Sub-Committee meeting held on 29th November 2024 be received.

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

There were no declarations of interest stated.

5. **PRIVATE HIRE AND HACKNEY CARRIAGE FEES AND CHARGES 2025/2026**

The Licensing Administration Team Manager presented the report on the proposed taxi and private hire fees, following up on last meeting and the consultation subsequently held.

Licensing & Public Protection Committee - 30/01/25

Cllr Sweeney noted the reduction of fees for taxi drivers' knowledge tests in alignment with the actual costs for the Council, which the Chair was also pleased about.

Resolved: That the proposed taxi and private hire fees for 2025-26 be approved.

[Watch the debate here](#)

6. TAXI LICENSING POLICY - SUITABILITY GUIDELINES

The Licensing Administration Team Manager presented the report on the updated Suitability Guidance for taxi and private hire licensing published by the Institute of Licensing which were to be included in the Council's Taxi Licensing Policy as was the original document.

Cllr Williams asked how this compared to the previous version of the Guidance.

The Licensing Administration Team Manager responded that most of it was pretty much the same as it was before and the changes were mainly to clarify things for decision makers based on actual cases over a five-year period.

Cllr Richards asked if there had been many cases where licensees were taken to court for predatory behaviours and then re-licensed for ten years.

The Licensing Administration Team Manager advised that there hadn't been any cases brought to the Council. Having these included in the Guidance now meant that if these were to happen there would be a starting point on how to proceed.

The Chair wondered what rate of consultation responses was to be expected.

The Licensing Administration Team Manager commented that consultations would often generate either very few responses or a very lot of responses. The rate of these would typically reflect how much of an issue the changes were perceived to bring and people who were not responding were generally happy enough that it wasn't a concern for them. The consultation would be sent to all license holders as well as other relevant stakeholders such as neighbouring local authorities and the police.

Resolved:

1. That the contents of the report be noted; and
2. That officers may consult with relevant stakeholders on replacing the current Taxi Licensing Policy Suitability Guidance with Chapter 4 of the updated version, be approved.

[Watch the debate here](#)

7. TAX CONDITIONALITY CONSULTATION

The Licensing Administration Team Manager presented the report on a suggested draft response to the HMRC consultation in relation to expanding tax conditionality to new sectors, two of which were administered by the Borough Council.

Cllr Brown enquired about consultants working for the Council.

The Licensing Administration Team Manager advised that these were not targeted by this regime.

Cllr Richards asked what a pedicab was.

The Licensing Administration Team Manager explained it was a pedal powered vehicle often found in London to carry passengers in seats located at the back.

The Chair commented that if these were not licensed, these were not insured which was problematic if someone was getting injured.

The Licensing Administration Team Manager confirmed their use needed to be regulated and a licensing regime would follow.

Cllr Hutchison expressed being pleased to see that animal welfare was taken into account.

The Licensing Administration Team Manager commented that the Council was requesting that any animal activity subject to licensing or registration would fall under the remit of the regulation.

- Resolved:**
1. That the contents of the report be noted; and
 2. That the officer proposed consultation response be sent to the Government prior to the closing date, be agreed.

[Watch the debate here](#)

8. **URGENT BUSINESS**

There was no urgent business.

9. **DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential matters discussed.

**Councillor Joan Whieldon
Chair**

Meeting concluded at 7.33 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

18 March 2025

Report Title: Alcohol Off Sales regulatory easement – consultation result.

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

Portfolios: Finance, Town Centres & 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 inform the committee of the outcome of the Home Office consultation in relation to proposed amendments to the Licensing Act 2003 around the off-sales of alcohol.	
<u>Recommendation</u>	
That Committee:	
1. Note the contents of the report	
<u>Reasons</u>	
The Home Office held a consultation on which of three proposed amendments should be made to the Licensing Act 2003 to support businesses in relation to the off-sales of alcohol.	

1. Background

- 1.1 The Business and Planning Act 2020 (the Act) made significant changes designed to help premises (including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours) to survive and bounce-back from the pandemic lockdown.
- 1.2 The provisions included:
 - A new “Pavement Licence” regime, designed to make it easier for premises serving food and drink to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
 - Alcohol licensing changes that allowed operators with existing alcohol on-sales licences to also serve alcohol for consumption off the premises and to make deliveries.

- 1.3 The Act was amended in March 2024 to create a permanent Pavement Licensing regime. This Committee approved the application fees and standard licensing conditions at the meeting held on 29th April 2024.
- 1.4 The temporary measures in the Act that relate to off-sales of alcohol permitted alcohol to be consumed in areas covered by pavement licences, and for premises to allow the takeaway and delivery of alcohol come to an end on 31st March 2025. The purpose of the consultation was to seek views on how to best amend the Licensing Act 2003 to continue these measures to support the hospitality sector.
- 1.5 On 30th July 2024 the Committee noted the Council's response to the consultation which was that out of the options proposed the proposal to amend the definition of on-sales would be the most appropriate. A copy of the 2024 response is attached as **Appendix A**.

2. Issues

- 2.1 The Home Office published the outcome of the consultation on 27th February 2025. The decision was to not move forward with any of the proposals from the 2024 consultation, and instead to revert back to the position prior to the introduction of the Act.
- 2.2 This means that businesses who have licences authorising the sale/supply of alcohol for consumption on the premises only (on-sales) must apply to vary the premises licence to add off-sales. However, the Home Office have amended the s182 Statutory Guidance to advise Licensing Authorities to treat these applications under the Minor Variation process rather than the Full Variation process. This process is quicker and cheaper (£89.00) than full variations and does not require a local newspaper advertisement. This was an option included within a similar consultation in 2023, which the Council's response at the time agreed was the most suitable way forward. A copy of the 2024 response is attached as **Appendix B**.
- 2.3 The reasoning given for the decision was that the majority of the respondents disagreed or strongly disagreed with all three options proposed in the 2024 consultation.

3. Recommendation

- 3.1 **That Committee:**
 1. Note the contents of the report

4. Reasons

- 4.1 To inform Members of proposed amendments to the Licensing Act 2003 and associated guidance.

5. Options Considered

5.1 Not applicable. Options were considered when responding to the proposals within the relevant consultation periods.

6. Legal and Statutory Implications

6.1 Not applicable.

7. Equality Impact Assessment

7.1 Not applicable.

8. Financial and Resource Implications

8.1 With the easements ending it is possible that businesses that wish to add the off-sales of alcohol to their existing licence may submit applications as described above. It is not anticipated that there will be many applications overall and the resource required will be met by existing capacity within the licensing team.

9. Major Risks & Mitigation

9.1 Not applicable.

10. UN Sustainable Development Goals (UNSDG)



11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

Applications for Minor Variations tend to be submitted online via the Gov.uk portal, linking in to the One Digital and Green Council streams by making use of electronic systems and the reduction of physical applications.

12. Key Decision Information

12.1 Not applicable.

13. Earlier Cabinet/Committee Resolutions

13.1 Licensing & Public Protection Committee – 30th July 2024

13.2 Licensing & Public Protection Committee – 10 May 2023

14. List of Appendices

14.1 Appendix A – 2024 Consultation response

14.2 Appendix B – 2023 Consultation response

15. Background Papers

15.1 [2024 Consultation results](#)

Alcohol in licensed pavement areas

Option 1: Make permanent the temporary regulatory easements for off-sales under the Business and Planning Act 2020, whereby any on-sales alcohol premise licence automatically covers off-sales as well.

To what extent do you agree that option 1 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing?

Disagree

Why do you disagree with option 1?

(Select all that apply)

Concerns about increases in crime and/or antisocial behaviour

Other (please specify):

There would be no scrutiny for Responsible Authorities or public prior to premises starting takeaway/delivery of alcohol, where there may be concerns. It would allow problems to occur before there being a method of remedying them by way of a condition/s being added rather than being reviewed with the prevention of crime and/or disorder and nuisance in mind.

Option 2: Amend the wording in the Licensing Act 2003 to extend the definition of on-sales so that it includes consumption in a licenced pavement area.

To what extent do you agree that option 2 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing?

Strongly agree

Why do you agree with option 2?

(Select all that apply)

Minimise costs to businesses

Ease of understanding

Simplicity to put in practice

Other (please specify):

Provides protection that premises wishing to sell alcohol for takeaway/delivery would be scrutinised prior to grant.

Option 3: Amend the Licensing Act to permit on-sales only premises licence holders the right to make off-sales to any area for which there

is a pavement licence.

To what extent do you agree that option 3 would provide a suitable long-term replacement to the temporary off-sales permission that the Business and Planning Act 2020 has been providing?

Strongly disagree

Why do you disagree with option 3?

(Select all that apply)

Other (please specify):

It is more difficult to put into practice and not as easy to understand as options 1 or 2.

Options 2 and 3 have the same implications for new and existing premises licence holders. Of the two, which - if either - is your preferred option?

Option 2

Please explain your reason:

Easier to understand for all parties and easier to administer for licensing authorities.

Are you responding as a licensing officer or on behalf of a licensing authority?

Yes

How many on-sales only licensed premises in your area have taken up the opportunity to automatically do off-sales without amending their licence?

An estimate is acceptable.

Total number of premises in your area that are licensed for on-sales only:	45
Of that total, how many have taken up the opportunity to automatically do off-sales to a licensed pavement area without amending their licence?	1
Of that total, how many have taken up the opportunity to automatically do takeaway drinks without amending their licence?	5
Of that total, how many have taken up the opportunity to automatically offer delivery without amending their licence?	10-15

Please use this space to provide any comments you have on any matter covered in this consultation.

If your submission is lengthy, please submit your answers via this form and email additional information and data to alcohollicensingconsultations@homeoffice.gov.uk.

Whilst we do not consider that there have been any/many negative effects of the current temporary off-sales provisions in our Borough in relation to crime and disorder, ASB and/or nuisance. However there one premises in our Borough that is situated within a Council owned park, very close to a children's play area that has allowed off-sales which has raised some concerns from the parks team and members of the public. Option 2 within the consultation would allow this operation to be properly considered.

About you

Full name

Matthew Burton

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

Licensing Administration Team Manager

Company or organisation name (if applicable)

Newcastle-under-Lyme Borough Council

Address

Castle House, Barracks Road, Newcastle-under-Lyme

Postcode

ST5 1BL

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

Yes ✓

No

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

Yes ✓

No

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

Yes ✓

No

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

Yes

No ✓

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

On and off-sales listed separately ✓

Automatically include both on and off-sales

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

Yes

No ✓

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

Yes

No ✓

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

Yes

No

Not applicable ✓

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

Yes

No ✓

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

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

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

Yes

No ✓

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

Yes

No ✓

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

Yes ✓

No

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

Yes ✓

No

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

Yes

No ✓

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

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

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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

18 March 2025

Report Title: Relaxation of licensing hours for the 2025 Women's UEFA European Championships

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

Portfolios: Finance, Town Centres & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>To inform the Committee of a Home Office consultation to allow certain licensed premises to open later than their normal hours. It is in relation to the semi-final and final matches of the 2025 Women's European Championships, should a 'Home Nations' team progress to that stage.</p>	
<p><u>Recommendation</u></p> <p>That Committee:</p> <ol style="list-style-type: none"> 1. Note the contents of the report 2. Agree that the proposed response be submitted prior to the consultation closing. 	
<p><u>Reasons</u></p> <p>The Home Office are holding a consultation on whether to allow a relaxation of licensing hours during the semi-final and final stages of the 2025 Women's European Championships, should a 'Home Nations' team progress to that stage.</p>	

1. Background

1.1 Section 172 of the Licensing Act 2003 allows the Secretary of State for the Home Department to make a Licensing Hours Order ('Order') relaxing opening hours for licensed premises (any premises with a premises licence or a club premises certificate) in England and Wales to mark an occasion of 'exceptional international, national or local significance'.

1.2 Past national occasions where the government has extended licensing hours have included the late Queen's platinum jubilee in 2022, the Royal Weddings in 2018 and 2011, the late Queen's ninetieth birthday celebrations in 2016 and diamond jubilee in 2012, and the Kings Coronation in 2023. The power was also used during the World Cup in 2014, and the 2020 and 2024 UEFA European championships.

2. Issues

- 2.1 The Home Office opened a consultation on 23rd February 2025. They are consulting on whether it is appropriate to make an Order to extend the times for licensed premises to be open during the semi-final and final stages of the UEFA 2025 Women's European Championships, should a 'Home Nations' team progress to that stage.
- 2.2 If granted as proposed the Order would authorise all licensed premises that are already permitted to sell/supply alcohol for consumption on the premises until 11pm to operate until 1am the day after. It should be noted that this Order will only have effect should either the England team, Wales team or both teams progress to the semi-final and/or final stages and will only take effect on the date that they are playing. The semi-final matches are scheduled for 22nd and 23rd July 2025, and the final is scheduled for 27th July 2025. For example, if one of the teams played in the semi-final on 22nd July, it would only be 22nd July that would benefit from the relaxation. The licensable hours for 23rd July would be the normal hours.
- 2.3 The relaxation does not apply to the sale of alcohol for consumption off the premises, regulated entertainment, late night refreshment premises or unlicensed premises.
- 2.4 The alternative would be to reply upon the existing system to requiring Temporary Event Notices to extend licensable hours.
- 2.5 The consultation is made up of the below six questions. Officers' view is that Orders of this nature have been successful in the and not created additional problems for regulatory bodies, and as such are supportive of the proposals. Officers' answered in are bold text:

Q1: Do you support the proposal for extending licencing hours in England and Wales in the event that the England and/or Wales teams reach the semi-finals of Euro 2025?

Yes

No

Q2: Do you support the proposal for extending licencing hours in England and Wales in the event that the England and/or Wales teams reach the final of Euro 2025?

Yes

No

Q3: Do you agree that the contingent order should only apply to the sale of alcohol for consumption on the premises (i.e. it should not apply to the sale of alcohol for consumption off the premises)?

Yes

No

Q4: Do you agree that the contingent order should extend licensing hours for the semi-finals - 22 and/or 23 July - until 01:00 the following morning?

Yes

No

Q5: Do you agree that the contingent order should extend licensing hours for the final - 27 July - until 01:00 the following morning?

Yes

No

Q6. If you disagree with this proposal, please give reasons.

Not applicable

2.6 The consultation closes on 23rd March 2025.

3. Recommendation

3.1 That Committee:

1. Note the contents of the report
2. Agree that the proposed response be submitted prior to the consultation closing.

4. Reasons

- 4.1** To inform Members of amendments to the Licensing Act 2003 and matters of local and national significance.

5. Options Considered

- 5.1** The Council could choose not to respond to this consultation.

6. Legal and Statutory Implications

- 6.1** Not applicable.

7. Equality Impact Assessment

- 7.1** Not applicable.

8. Financial and Resource Implications

- 8.1** It is unlikely to cause any resource implications however if there was to be complaints and incidents as a result of the extended hours then it would require investigation by the appropriate officers. It is not anticipated to be the case but the resource would be covered by existing staff members.

9. Major Risks & Mitigation

- 9.1** Not applicable.

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



11. **One Council**

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

It is not thought that the nature of the proposals impacts on any of the One Council streams.

12. **Key Decision Information**

12.1 Not applicable.

13. **Earlier Cabinet/Committee Resolutions**

13.1 Not applicable.

14. **List of Appendices**

14.1 Not applicable.

15. **Background Papers**

15.1 [Consultation document published on 23rd February 2025](#)

Agenda Item 6

Licensing Sub-Committee - 21/01/25

LICENSING SUB-COMMITTEE

Tuesday, 21st January, 2025
Time of Commencement: 10.45 am

[View the agenda here](#)

Present: Councillor David Hutchison (Chair)

Councillors: Wright

Apologies: Councillor(s) Dymond

Substitutes: Councillor Gill Heesom

Officers: Melanie Steadman Licensing Enforcement Officer
 Julie Moore Licensing Enforcement Officer

Also in attendance: Ciaran Rankin Deans Court Chambers
 Robert Thomas Environmental Health Officer
 PS James Finn Staffordshire Police Licensing
 The Premises Manager
 The Applicant Counsel

1. **APPOINTMENT OF CHAIR**

Resolved: That Cllr Hutchison be appointed as Chair.

2. **APOLOGIES**

Apologies were received as listed above.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

4. **APPLICATION TO VARY A PREMISES LICENCE, WHICH HAS RECEIVED RELEVANT REPRESENTATIONS**

The Sub-Committee considered an application to vary a premises licence.

Relevant representations had been received, one of which supported the application, the other two being from the Police Licensing and Environmental Health Departments who respectively objected on the grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance.

The Sub-Committee carefully considered the application, the report, the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy. They heard the counsel for the applicant and the operations manager at the premises as well as representatives of the Police Licensing and Environmental Health Departments.

Licensing Sub-Committee - 21/01/25

The counsel of the applicant advised that the applicant had reflected and wished to propose an alternative application to the sub-committee including new timings and conditions which would further uphold the licensing objectives and improve the control of members of the public within the town as a whole.

The applicant also proposed that a probationary licence be granted to prove their ability to adhere to the conditions and uphold the licensing objectives.

The licensing sub-committee carefully considered the new proposals and representations received along with the report, the Licensing Act 2003, the statutory guidance and the Council's own Statement of Licensing Policy.

- Resolved:**
- 1) That the application be granted with modifications to the conditions agreed and communicated to the license holder.
 - 2) That the modified conditions amend the timings for licensable activities to take place with additional measures to ensure the promotion of the licensing objectives.
 - 3) That the modified conditions and timings be relevant for a period of 12 months only from the date that the licence was issued following the end of appeal period.
 - 4) That these conditions and timings cease to have effect, and the licence revert to its current state at the end of the 12-month period.

**Councillor David Hutchison
Chair**

Meeting concluded at 12.30 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee
18th March 2025

Report Title: **Smoke Control Areas - Consultation responses in relation to the revocation of, and changes to, existing smoke control areas.**

Submitted by: **Acting Service Director – Regulatory Services**

Portfolios: **Sustainable Environment**

Ward(s) affected: **All**

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<p>To provide committee with feedback from the consultation on the revocation of existing smoke control areas, and proposed declaration of a new single Borough wide smoke control area (in relation to resolution iv of committee meeting 24 October 2023).</p>	
<u>Recommendation</u>	
<p>That Committee review the consultation representations and decide on one of the following options:</p> <ol style="list-style-type: none"> 1. The whole administrative area of the Borough of Newcastle under Lyme is approved as a single smoke control area. OR 2. To revoke the existing 21 smoke control areas, and that these be amalgamated to form one single smoke control area covering urban areas (including those identified for future development in the Emerging Local Plan). Emerging Newcastle-under-Lyme local plan – Newcastle-under-Lyme Borough Council – to expand by 1st April 2027 to cover the whole borough, (taking into account the outcome of further work to identify households with sole dependency on solid fuel for heating purposes). 	
<u>Reasons</u>	
<p>To comply with the expectations of the DEFRA Air Quality Strategy: Framework for local authority delivery 2023:</p> <p><i>“Local authorities should keep the boundaries of existing Smoke Control Areas under review, especially if development has taken place outside of the boundaries. They should consider whether it would be beneficial to declare a new Smoke Control Area.”</i></p>	

1. Background

- 1.1 The committee is referred to the report brought to them on 24 October 2023 (Appendix 1). This presented details of the health risks and costs to society of air pollution.
- 1.2 The report also detailed the current smoke control arrangements within the Borough, as well as a map of locations of smoke control boundaries, exemptions and powers of enforcement for non-compliance.
- 1.3 At that meeting, the committee resolved:
 - (i) *That the making of the Newcastle-under-Lyme Borough Smoke Control (Revocation) Order 2023 be approved and that this be published for formal consultation.*
 - (ii) *That the whole of the administrative area of the Borough of Newcastle under Lyme become a single smoke control area through the making of The Newcastle-under-Lyme Borough Smoke Control Order 2023, and that this be published for formal consultation.*
 - (iii) *That the Formal Fixed Penalty Charging policy for Smoke Control Offences be approved.*
 - (iv) ***That a further report be received for consideration, following closure of the relevant consultation periods, for consideration of any representations concerning either the Newcastle-under-Lyme Smoke Control (Revocation) Order 2023 or The Newcastle-under-Lyme Borough (Whole Borough) Smoke Control Order 2023.***

2. Issues

- 2.1 This report presents the outcome of the consultation which ran from 7 February to 11 March 2024. The following questions were asked:

Figure 1: Do you agree with the proposal to revoke the existing smoke control orders and replace them with a single smoke control order, which will cover the entire district?
(144 respondents):

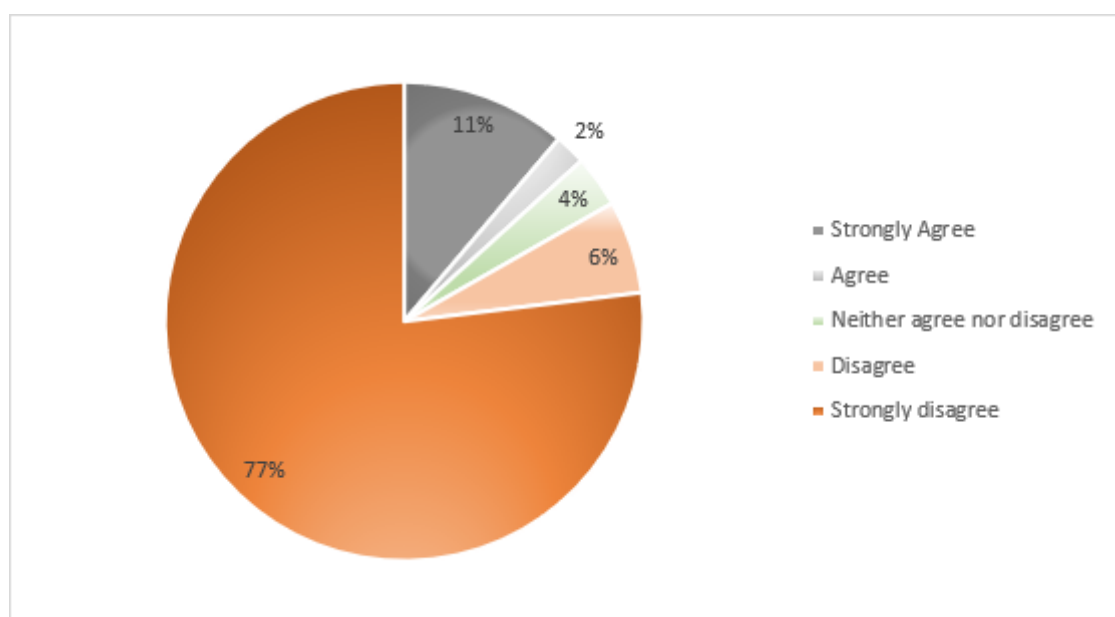
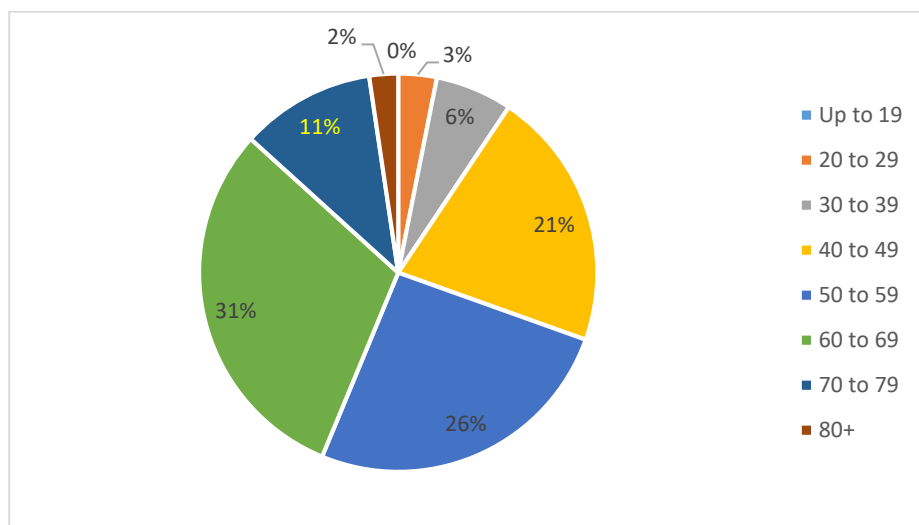


Figure 2: Age group based on 126 responses:



3. Recommendation

That Committee review the consultation representations and decide on **one** of the following options:

- 3.1** OPTION 1: The whole administrative area of the Borough of Newcastle under Lyme is approved as a single smoke control area. **OR**
- 3.2** OPTION 2: The existing 21 smoke control areas be amalgamated to form one single urban smoke control area – to expand by 1st April 2027 to cover the whole borough.

4. Reasons

- 4.1** To comply with the expectations of the “DEFRA Air Quality Strategy: Framework for local authority delivery 2023”:

“Local authorities should keep the boundaries of existing Smoke Control Areas under review, especially if development has taken place outside of the boundaries. They should consider whether it would be beneficial to declare a new Smoke Control Area”.

- 4.2** To improve air quality in the Borough.

5. Options Considered

- 5.1** To maintain the existing status quo with regards to existing smoke control areas.

- 5.2 To revoke the existing smoke control orders and to replace these with an updated order covering urban areas including areas identified for future development in the Emerging Local Plan Consultation.
- 5.3 To revoke the existing smoke control orders and to replace these with a single Borough wide smoke control order.

6. Legal and Statutory Implications

- 6.1 The Clean Air Act 1993 (as amended) alongside associated guidance from DEFRA provides mechanisms to put in place modernised smoke control and provides a means of enforcement.
- 6.2 There are prescribed processes in statutory guidance and legislation which govern the revocation, modification and declaration of smoke control area orders.
- 6.3 The recommendations included in this report and the work being undertaken to improve air quality across the Borough are in line with legal requirements.

7. Equality Impact Assessment

- 7.1 This policy does not present either a medium or high detrimental impact to any of the protected characteristic groups, and as such a full EQIA is not required.

8. Financial and Resource Implications

- 8.1 The consultation exercise and subsequent publicity and enforcement is met from the existing service budget.
- 8.2 Enforcement is challenging, however the implementation of a new Smoke Control Area would be supported by a communications plan to enable residents to make informed choices (Appendix 3).

Canal Boats

- 8.3 For residential moorings of at least six months term which are in place at the time of the new smoke control area coming into force, the relevant Council is required to fund adaptations to enable suitable smokeless fuels to be burnt without emitting chimney smoke.
- 8.3 The Canal and Rivers Trust has identified that there are no such residential moorings within Newcastle under Lyme (Tyrley on the Shropshire Union Canal. Kidsgrove on the Macclesfield Canal and the Trent & Mersey Canal are only for short stay use of up to 48 hours.)
- 8.4 It is possible to exempt specified classes of vessels from a smoke control area.

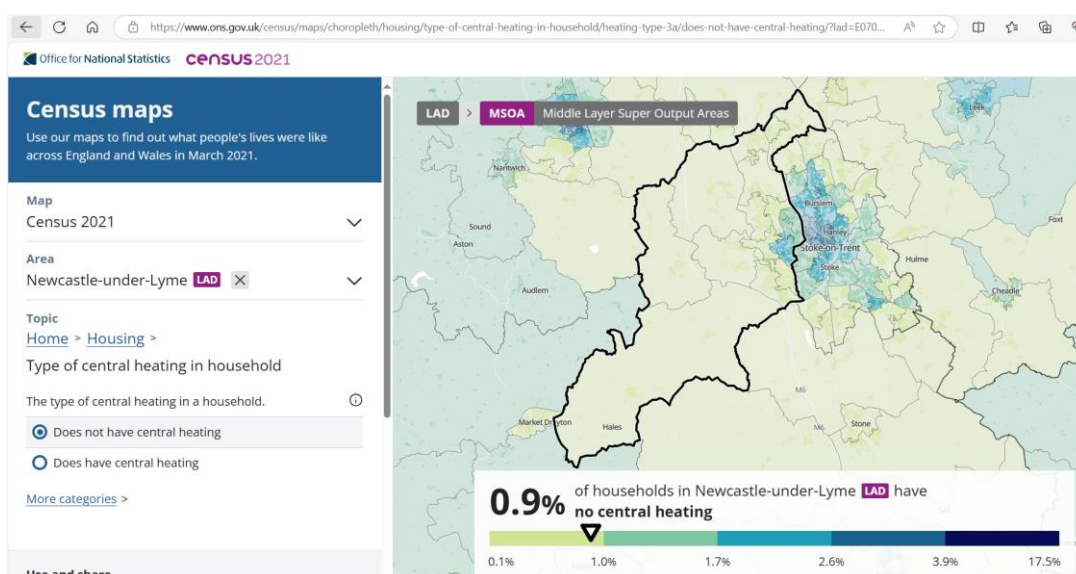
Private Dwellings

8.5 Grants to fund adaptations to enable compliance with new smoke control orders are no longer payable by local authorities.

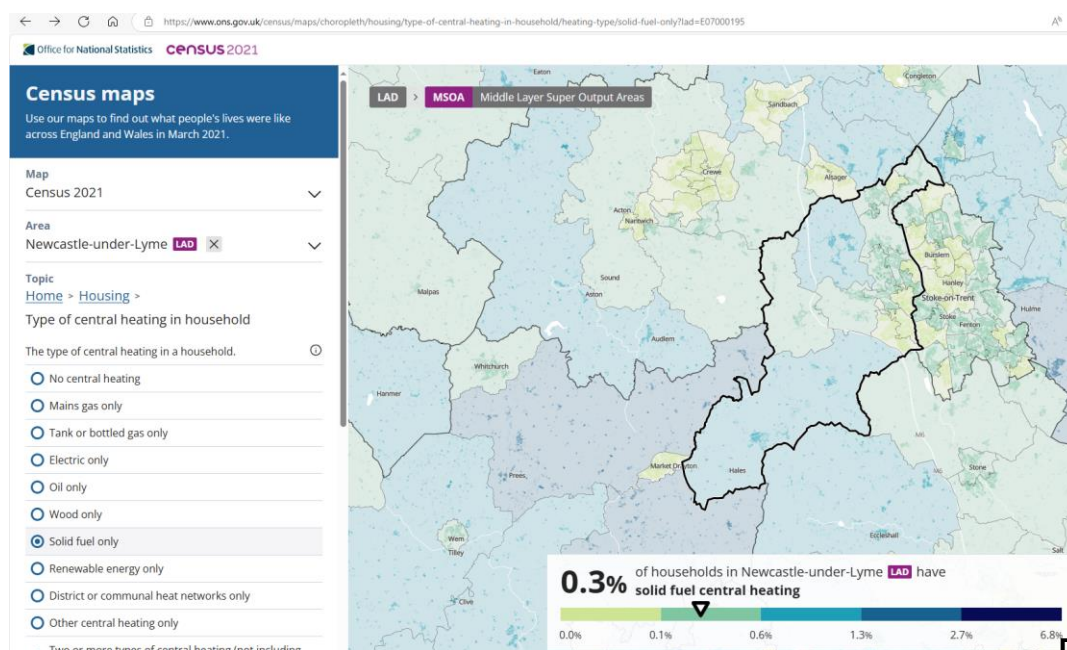
9. Major Risks & Mitigation

9.1 Failure to have adequate controls in place to enable the council to comply with its legal obligations under the Clean Air Act 1993 could result in formal intervention by the Government.

9.2 0.9% of residents in Newcastle-under-Lyme have no central heating (approx. 1250 households).



9.3 0.3% of households in Newcastle-under-Lyme have solid fuel only (approx. 416 households).



10. UN Sustainable Development Goals (UNSDG)

10.1 The monitoring and assessment of local air quality, and the requirements for air quality management and associated air quality action plans contribute towards the following UN Sustainable Development Goals:



11. One Council

Please confirm that consideration has been given to the following programmes of work:

One Commercial Council

One Digital Council

One Green Council

12. Key Decision Information

12.1 N/A

13. Earlier Cabinet/Committee Resolutions

13.1 The December 2022 Committee approved an officer led review of enforcement options for smoke control area and for a report to be brought to this committee with proposals.

13.2 The October 2023 Committee resolved:

13.3 *That the making of the Newcastle-under-Lyme Borough Smoke Control (Revocation) Order 2023 be approved and that this be published for formal consultation.*

13.4 *That the whole of the administrative area of the Borough of Newcastle under Lyme become a single smoke control area through the making of The Newcastle-under-Lyme Borough Smoke Control Order 2023 and that this be published for formal consultation.*

13.5 *That the Formal Fixed Penalty Charging policy for Smoke Control Offences be approved*

- 13.6** *That a further report be received for consideration, following closure of the relevant consultation periods, for consideration of any representations concerning either the Newcastle-under-Lyme Smoke Control (Revocation) Order 2023 or The Newcastle-under-Lyme Borough (Whole Borough) Smoke Control Order 2023.*

14. List of Appendices

- 14.1** Appendix 1 – October 2023 Committee Report. [Agenda for Licensing & Public Protection Committee on Tuesday, 24th October, 2023, 7.00 pm | Modern.gov | Connexus](#)

- 14.2** Which includes (pages 57 - 84): [\(Public Pack\)Agenda Document for Licensing & Public Protection Committee, 24/10/2023 19:00](#)

Appendix 1 – Map of current Smoke Control Areas within Newcastle-under-Lyme

Appendix 2 – Proposed Smoke Control Area revocation order and

Appendix 3 – Smoke Control – Fixed Penalty Notice Policy September 2023.

- 14.3** Example content for communications plan.




15. Background Papers



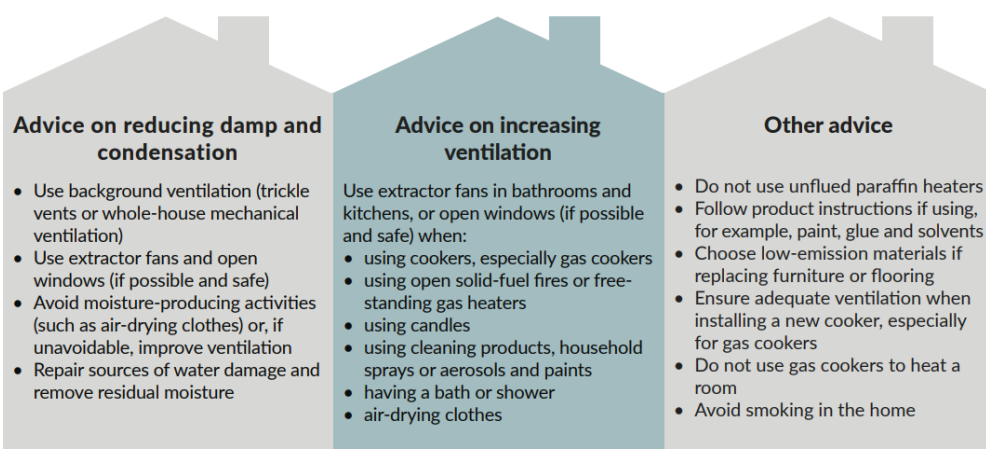
- 15.1** Clean Air Act 1993 Part III [Clean Air Act 1993](#)








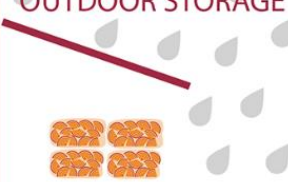
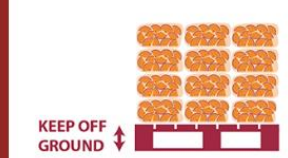
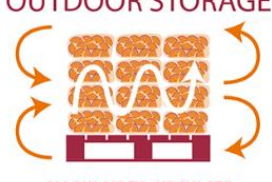

- 15.2** Guidance on smoke control enforcement [Smoke control area enforcement by local authorities in England - GOV.UK](#)



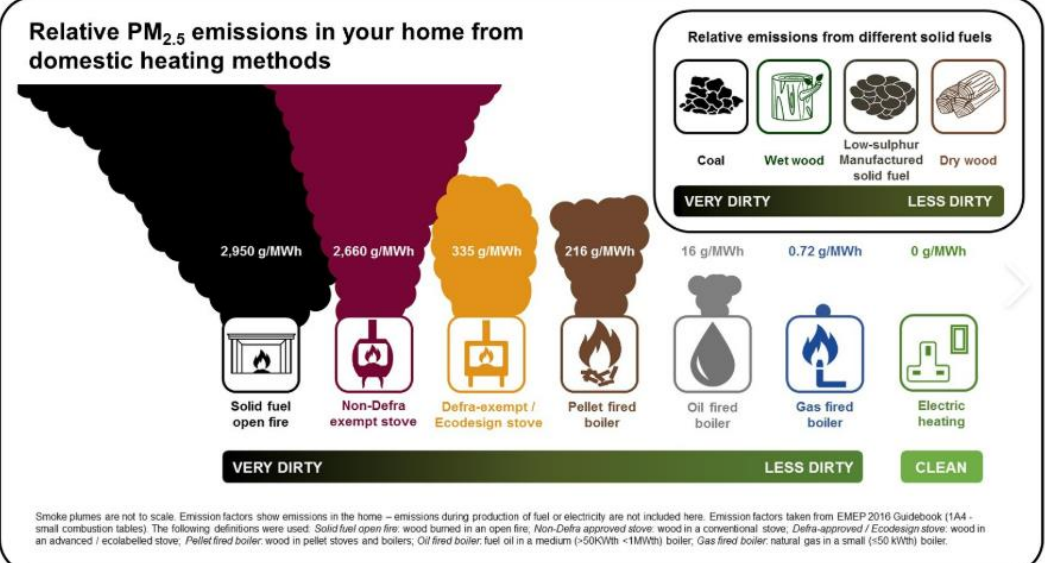
- 15.3** Air Quality Strategy for England 2023 [The air quality strategy for England - GOV.UK](#)

- 15.4** Air Quality Strategy 2023 – framework-for-local-authority-delivery [Air quality strategy: framework for local authority delivery - GOV.UK](#)

Date (w/c)	Text	Image
06/10/25	Are you ready to burn?	
	Link:	RtBgenLeaflet201123FINAL.indd
06/10/25	There are lots of things that you can do to keep the air cleaner in your home for you and your family	
	Link:	How can I protect myself and my family in my own home?
13/10/25	Understanding the facts about wood burners	

	Link:	Wood burners and air pollution Clean Air Hub
13/10/25	Is your fire wood below 20% moisture content?	 <p>Measuring firewood moisture content →</p>
	Link:	Measuring firewood moisture content - Ready To Burn
w/c 20/10/25	Do you know the law in Smoke Control Areas?	<p>The law in Smoke Control Areas</p> <p>Many urban areas are smoke control areas. In these areas you can only use:</p> <ul style="list-style-type: none"> • authorised smokeless fuels https://smokecontrol.defra.gov.uk/fuels.php or • exempted appliances https://smokecontrol.defra.gov.uk/appliances.php <p>You could face a fine of up to £1,000 if you break the rules.</p> <p>Your local authority website should tell you if you are in a smoke control area</p> 
	Link:	open fire wood burning stoves - guide-A4-update-12Oct
w/c 20/10/25	The National Institute for Health and care Excellence has provided the following advice for improving air quality in your home	 <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Advice on reducing damp and condensation</p> <ul style="list-style-type: none"> • Use background ventilation (trickle vents or whole-house mechanical ventilation) • Use extractor fans and open windows (if possible and safe) • Avoid moisture-producing activities (such as air-drying clothes) or, if unavoidable, improve ventilation • Repair sources of water damage and remove residual moisture </div> <div style="width: 30%;"> <p>Advice on increasing ventilation</p> <p>Use extractor fans in bathrooms and kitchens, or open windows (if possible and safe) when:</p> <ul style="list-style-type: none"> • using cookers, especially gas cookers • using open solid-fuel fires or free-standing gas heaters • using candles • using cleaning products, household sprays or aerosols and paints • having a bath or shower • air-drying clothes </div> <div style="width: 30%;"> <p>Other advice</p> <ul style="list-style-type: none"> • Do not use unflued paraffin heaters • Follow product instructions if using, for example, paint, glue and solvents • Choose low-emission materials if replacing furniture or flooring • Ensure adequate ventilation when installing a new cooker, especially for gas cookers • Do not use gas cookers to heat a room • Avoid smoking in the home </div> </div>
		visual-summary-pdf-7022755693

<p>w/c 27/10/25</p>		<h1 style="text-align: center;">-Indoor Air Quality Hazards</h1> <div style="display: flex; justify-content: space-around; text-align: center;"> <div style="background-color: #90EE90; border-radius: 50%; padding: 10px; width: 20%;">  <p>AIRBORNE PARTICLES</p> <ul style="list-style-type: none"> - Pet dander - Carbon monoxide - Dust - Pollen - Wood stove emissions </div> <div style="background-color: #40E0D0; border-radius: 50%; padding: 10px; width: 20%;">  <p>HOUSEHOLD ODORS AND GASES</p> <ul style="list-style-type: none"> - Cooking odors - Radon - Pet smells - Cigarette smoke - Sink or drain smells </div> <div style="background-color: #FFD700; border-radius: 50%; padding: 10px; width: 20%;">  <p>VOLITILE ORGANIC COMPOUNDS (VOCs)</p> <ul style="list-style-type: none"> - Paints - Chemicals - Carpet emissions - Cleaning supplies </div> <div style="background-color: #FF6347; border-radius: 50%; padding: 10px; width: 20%;">  <p>MICROORGANISMS</p> <ul style="list-style-type: none"> - Bacteria - Mold - Fungus - Viruses </div> </div>
<p>w/c 27/10/25</p>		<p style="text-align: center;"><u>How can I protect myself and my family in my own home?</u></p> <div style="display: flex; justify-content: space-around;"> <div style="background-color: #F08080; padding: 10px; width: 30%; text-align: center;"> <p>OUTDOOR STORAGE</p>  <p>DO NOT CLOSELY COVER LOGS</p> <p>Allow air to circulate. A pallet will let air flow beneath it.</p> </div> <div style="background-color: #F08080; padding: 10px; width: 30%; text-align: center;"> <p>OUTDOOR STORAGE</p> <p>DO NOT LEAVE ON WET GROUND</p>  <p>Do not store fire wood on moist ground.</p> </div> <div style="background-color: #F08080; padding: 10px; width: 30%; text-align: center;"> <p>OUTDOOR STORAGE</p> <p>DO NOT LEAVE OPEN TO THE ELEMENTS</p>  <p>Do not store bags of fire wood open to the elements.</p> </div> </div>
<p>w/c 05/01/26</p>	<p>Firewood is often kept outside to allow it to naturally season. Are you storing yours correctly?</p>	<p style="text-align: center;"><u>Retailer Outdoor Wood Storage Guidance - Ready to Burn</u></p> <div style="display: flex; justify-content: space-around;"> <div style="background-color: #F08080; padding: 10px; width: 30%; text-align: center;"> <p>OUTDOOR STORAGE</p>  <p>PROTECT FROM DIRECT RAIN</p> <p>Bags should be protected from direct rain</p> </div> <div style="background-color: #F08080; padding: 10px; width: 30%; text-align: center;"> <p>OUTDOOR STORAGE</p>  <p>KEEP OFF GROUND</p> <p>Ensure fire wood is kept off the ground, possibly stored on a pallet.</p> </div> <div style="background-color: #F08080; padding: 10px; width: 30%; text-align: center;"> <p>OUTDOOR STORAGE</p>  <p>ALLOW AIR TO CIRCULATE</p> <p>Allow air to circulate. A pallet will let air flow beneath it.</p> </div> </div>
<p>w/c 05/01/26</p>		<p style="text-align: center;"><u>Retailer Outdoor Wood Storage Guidance - Ready to Burn</u></p> <div style="background-color: #F08080; padding: 10px;"> <p>The law in Smoke Control Areas</p> <p>Many urban areas are smoke control areas. In these areas you can only use:</p> <ul style="list-style-type: none"> ● authorised smokeless fuels https://smokecontrol.defra.gov.uk/fuels.php or ● exempted appliances https://smokecontrol.defra.gov.uk/appliances.php <p>You could face a fine of up to £1,000 if you break the rules.</p> <p>Your local authority website should tell you if you are in a smoke control area</p> <div style="text-align: right; margin-top: 20px;">  <p>SMOKE CONTROL AREAS</p> </div> </div>
		<p style="text-align: center;"><u>open fire wood burning stoves - guide-A4-update-12Oct</u></p>

<p>w/c 12/01/26</p>	<p>If you can smell wood burning, you are breathing in harmful air pollution. Wood burning smoke contains fine particle air pollution (PM2.5), which enters your bloodstream when inhaled and causes heart and lung disease, diabetes, and dementia.</p>																																			
<p>w/c 12/01/26</p>	<p>Smoke control areas: The rules</p>	<p>https://youtu.be/R53J4FpclSg</p> 																																		
<p>w/c 19/01/26</p>		<p>Smoke control areas: the rules - GOV.UK</p>																																		
<p>w/c 19/01/26</p>																																				
<p>w/c 26/01/26</p>	<p>Did you know that the range of domestic heating methods give off different emissions?</p>	 <p>Relative PM_{2.5} emissions in your home from domestic heating methods</p> <table border="1"> <thead> <tr> <th>Heating Method</th> <th>Relative Emissions (g/MWh)</th> <th>Category</th> </tr> </thead> <tbody> <tr> <td>Solid fuel open fire</td> <td>2,950</td> <td>VERY DIRTY</td> </tr> <tr> <td>Non-Defra exempt stove</td> <td>2,660</td> <td>VERY DIRTY</td> </tr> <tr> <td>Defra-exempt / Ecodesign stove</td> <td>335</td> <td>LESS DIRTY</td> </tr> <tr> <td>Pellet fired boiler</td> <td>216</td> <td>LESS DIRTY</td> </tr> <tr> <td>Oil fired boiler</td> <td>16</td> <td>LESS DIRTY</td> </tr> <tr> <td>Gas fired boiler</td> <td>0.72</td> <td>LESS DIRTY</td> </tr> <tr> <td>Electric heating</td> <td>0</td> <td>CLEAN</td> </tr> </tbody> </table> <p>Relative emissions from different solid fuels</p> <table border="1"> <thead> <tr> <th>Fuel Type</th> <th>Category</th> </tr> </thead> <tbody> <tr> <td>Coal</td> <td>VERY DIRTY</td> </tr> <tr> <td>Wet wood</td> <td>VERY DIRTY</td> </tr> <tr> <td>Low-sulphur Manufactured solid fuel</td> <td>LESS DIRTY</td> </tr> <tr> <td>Dry wood</td> <td>LESS DIRTY</td> </tr> </tbody> </table> <p><small>Smoke plumes are not to scale. Emission factors show emissions in the home – emissions during production of fuel or electricity are not included here. Emission factors taken from EMEP 2016 Guidebook (1A4 – small combustion tables). The following definitions were used. Solid fuel open fire: wood burned in an open fire, Non-Defra exempt stove: wood in a conventional stove, Defra-approved / Ecodesign stove: wood in an advanced / ecolabelled stove, Pellet fired boiler: wood in pellet stoves and boilers, Oil fired boiler: fuel oil in a medium (>50kWth <1MWh) boiler, Gas fired boiler: natural gas in a small (<50 kWth) boiler.</small></p>	Heating Method	Relative Emissions (g/MWh)	Category	Solid fuel open fire	2,950	VERY DIRTY	Non-Defra exempt stove	2,660	VERY DIRTY	Defra-exempt / Ecodesign stove	335	LESS DIRTY	Pellet fired boiler	216	LESS DIRTY	Oil fired boiler	16	LESS DIRTY	Gas fired boiler	0.72	LESS DIRTY	Electric heating	0	CLEAN	Fuel Type	Category	Coal	VERY DIRTY	Wet wood	VERY DIRTY	Low-sulphur Manufactured solid fuel	LESS DIRTY	Dry wood	LESS DIRTY
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PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 29th January, 2025
Time of Commencement: 1.12 pm

[View the agenda here](#)

Present: Councillor Joan Whieldon (Chair)

Councillors: Skelding J Williams

Officers: Matthew Burton Licensing Administration Team
Manager
Claire Ryles Licensing Enforcement Officer

Also in attendance: Ryan Hodgins Barrister on behalf of the Council –
St Philips Chambers, Birmingham

The Applicant

1. **APOLOGIES**

All members were present.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **DISCLOSURE OF EXEMPT INFORMATION**

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

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

The Sub-Committee considered a relevant matter which fell outside of Council Policy in the presence of the applicant.

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 with immediate effect.

5. **URGENT BUSINESS**

There was no urgent business.

Public Protection Sub-Committee - 29/01/25

**Councillor Joan Whieldon
Chair**

Meeting concluded at 2.43 pm