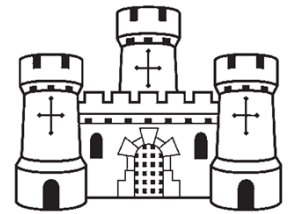


Public Document Pack

Date of meeting **Wednesday, 8th October, 2025**
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 STATEMENT OF LICENSING POLICY 2025-30** **(Pages 11 - 66)**
- 5 FEES TO BE CHARGED FOR THE LICENSING OF SCRAP
METAL DEALERS, GAMBLING & SEXUAL ENTERTAINMENT
VENUES 2026-27** **(Pages 67 - 74)**
- 6 MINUTES OF LICENSING SUB COMMITTEE MEETINGS** **(Pages 75 - 78)**
To consider the minutes of the Licensing Sub-Committees which have met since the
previous Licensing and Public Protection Committee.

PUBLIC PROTECTION COMMITTEE

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

- | | | |
|----|--|-------------------|
| 8 | NEWCASTLE TOWN CENTRE PUBLIC SPACE PROTECTION ORDER RENEWAL | (Pages 79 - 90) |
| 9 | PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2026/2027 | (Pages 91 - 96) |
| 10 | UPDATE ON RESULTS OF TAXI LICENSING APPEALS | (Pages 97 - 100) |
| 11 | ENVIRONMENT ACT 1995 - PART IV LOCAL AIR QUALITY MANAGEMENT - ANNUAL STATUS REPORT 2025 | (Pages 101 - 106) |
| 12 | MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS | (Pages 107 - 110) |

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

13 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.

14 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), Whitmore, Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams and Edgington-Plunkett

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	Lewis
	Turnock	Fox-Hewitt
	Parker	D Jones
	J Tagg	Richards
	J Waring	Stubbs
	Burnett-Faulkner	Beeston

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.

NOTE: IF THE FIRE ALARM SOUNDS, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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

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Agenda Item 3

Licensing & Public Protection Committee - 19/08/25

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 19th August, 2025
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

Present: Deputy Mayor. Councillor Joan Whieldon (Chair)

Councillors:	Johnson	Sweeney	Allport
	Whitmore	Adcock	J Williams
	Barker MBE	Dymond	G Williams
	Heesom	Wright	Edgington-Plunkett

Apologies: Councillor(s) Skelding

Substitutes: Councillor David Hutchison (In place of Councillor Craig Skelding)

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Civic & Member Support Officer
	Gillian Taylor	Housing Manager

Also in attendance:

1. **APOLOGIES**

There were no apologies.

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

There were no declarations of interest stated.

3. **MINUTES OF A PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 18 March, 2025 be agreed as a correct record.

4. **DRAFT STATEMENT OF LICENSING POLICY 2025-2030**

Consideration was given to a report advising Members of a draft Statement of Licensing Policy and to seek approval for public consultation.

The Council was required to revise and publish its Statement of Licensing Policy every 5 years and the next due date was 6 January, 2026. Members' attention was drawn to paragraph 2.8 of the report which set out the timelines for the revision.

The draft proposed Policy was attached at Appendix A with the proposed changes which were listed at paragraph 2.6 of the report.

Licensing & Public Protection Committee - 19/08/25

Resolved: That the draft statement of Licensing Policy be issued for public consultation and that the timetable, set out at section 2.8 of the report, be approved.

[Watch the debate here](#)

5. MINUTES OF LICENSING SUB COMMITTEE MEETINGS

Resolved: That the Minutes of the meeting held on 4 June, 2025 be received.

6. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

7. FOOD SAFETY SERVICE PLAN 2025/26 AND REVIEW OF PERFORMANCE IN 2024/25

Consideration was given to a report advising Members of work planned by the Food and Safety Team for 2025/26 and to review the performance for 2024/25. The Council had a statutory duty to maintain a register of all food businesses in the Borough.

The Plan, which was attached at Appendix A, identified three sources within the Food Safety team and their wider role.

Paragraph 2.4 of the Plan identified the number of registered food premises in the Borough with 1020 being registered as of 1 April, 2025.

Paragraph 3.1 showed the food inspection programme for 2025/26 with 490 due to be inspected. The table at page 79 of the agenda showed the number of premises in each rating.

Table 3.2 showed the number of complaints received which had fallen over the last three years.

Councillor Adcock stated that the vast majority of premises were of a high standard for hygiene and moved that the report be accepted.

Resolved: That the Food Safety Service Plan for 2025/26 be received and endorsed.

[Watch the debate here](#)

8. REVOCATION OF THE KIDSGROVE AIR QUALITY MANAGEMENT AREA

Consideration was given to a report advising on the outcome of a consultation on the making of an order to revoke the Kidsgrove Air Quality Management Area and to seek acceptance and confirmation of the revocation order. The Consultation Report was attached as Appendix A, at page 95 of the agenda.

Members were referred to the map on page 93 of the agenda which showed the location of the Air Quality Management Area – along Liverpool Road to the junctions with Heathcote Street and Gloucester Road where there was often queuing traffic at

peak times. The figures had reduced year on year and was now below the legal requirement which was believed to be due to the increased uptake of lower emission vehicles.

The Department for Environment, Food and Rural Affairs (DEFRA) had evaluated the data and had advised that the Air Quality Management Area could be revoked.

Councillor Sweeney stated that this was good news for anyone selling their homes in that location.

Resolved: That the Air Quality Management Area Number 1 - Kidsgrove - Revocation Order 2025, to take effect from the 20th August 2025, be approved.

[Watch the debate here](#)

9. **REVOCATION OF THE MAYBANK, WOLSTANTON & PORTHILL AIR QUALITY MANAGEMENT AREA**

Consideration was given to a report advising on the outcome of a consultation on the making of an order to revoke the May Bank, Wolstanton and Porthill Air Quality Management Area and to seek acceptance and confirmation of the revocation order. The Consultation Report was attached as Appendix A, at page 121 of the agenda.

Members were referred to the map on page 120 of the agenda which showed the location of the Air Quality Management Area – at the bottom of Porthill Bank and Vale View and May Bank High Street where there was often traffic congestion at peak times. The figures had reduced year on year and was now below the legal requirement which was believed to be due to the increased uptake of lower emission vehicles.

The Department for Environment, Food and Rural Affairs (DEFRA) had evaluated the data and had advised that the Air Quality Management Area could be revoked.

Councillor Hutchinson referred to the receptors in table 1 at paragraph 2.3 stating that the reduction had been between 19 and 37 percent which was great news.

Resolved: That the Air Quality Management Area Number 3 – May Bank, Wolstanton and Porthill - Revocation Order 2025, to take effect from the 20th August 2025, be approved.

[Watch the debate here](#)

10. **TAXI LICENSING FRAMEWORK CONSULTATIONS 2025**

Consideration was given to a report informing Members of two recent Government consultations in relation to the future of the taxi and private hire trade.

The first consultation involved a call for evidence from the Transport Committee as to whether or not the current licensing framework was fit for purpose and where it could be improved. There had been calls for a whole review of the framework for a long time, to make it fit for purpose and bring it up to date.

There were around three hundred local authorities – each with their own Licensing Policies – which did not promote consistency. This meant that some individuals were

able to 'licence shop' and find an authority that may give them a licence when they have been unable to obtain one from their own local authority. This would then allow drivers to go back and work in the area where they had previously been refused or revoked.

The table at paragraph 2.9 showed the reductions in licensing numbers since 2019, with a reduction of nearly 47% of drivers, 35% Hackney Carriages and 36% of private hire vehicles.

The second consultation sought views on a proposed Statutory Instrument (SI) relating to automated passenger services and supporting the deployment of commercial self-driving pilots.

Councillor John Williams asked if it was true that taxi drivers did not have to put a sign on their doors showing which company they worked for. Members were advised that this would be covered in the next report. Different local authorities had different rules and policies.

The Chair stated that the report had highlighted that, whilst the legislation was there, each authority was able to interpret it in their own way – some doing it to offer greater protection to its residents and visitors and others just to get more drivers.

Councillor Adcock stated that the current system punished authorities with higher safety standards and rewarded those with lower standards. He asked if there was a centralised national register for taxi drivers and was it mandatory for local authorities to sign up to.

There was a register but it only held the names of drivers who had had their licence revoked, refused or suspended. Every licensing authority was legally bound to look at the register when considering new applications and to consult the authority that had made the entry onto the register. This would not mean they had to refuse an application but had to take the information into account.

The Chair stated that, should a taxi driver be refused at Newcastle – for legitimate reasons and another authority issued that person a licence, their culpability would greatly heighten with any losses, damage or injury to the person harmed.

- Resolved:**
- (i) That the contents of the report be noted.
 - (ii) That Officers submit a response, in agreement with the Chair and Portfolio Holder, to the call for evidence in relation to the Transport Committee's Inquiry into the Licensing of taxis and private hire vehicles; and
 - (iii) That Officers submit a response, in agreement with the Chair and Portfolio Holder, to the Department for Transport consultation in relation to Automated passenger services: permitting scheme.

[Watch the debate here](#)

11. TAXI AND PRIVATE HIRE LICENSING POLICY 2026-2030

Consideration was given to a report regarding the proposed Taxi Licensing Policy, following external consultation.

A report regarding the policy had been brought to this Committee on 29 October, 2024, with draft proposal.

The consultation had six main points which were listed at paragraph 2.4 of the report. Twenty two responses to the consultation were received with 19 being from licence holders. A summary of their responses was listed at paragraph 2.8 of the report with full responses at Appendix D.

Regarding door livery. It had been suggested to remove it from private hire vehicles which was in line with best practice guidance from the Department of Transport. Following discussions with various sources and having carried out inspections, it was found to be difficult to locate taxis with just the plates. This Council had therefore now decided to keep door livery for private hire vehicles.

Amendments to the vehicle criteria were outlined at paragraph 2.10. Paragraph 2.11 outlined proposals for executive private hire vehicles.

Councillor Adcock stated that it was good that Stoke and Newcastle were working together to have the same standards and asked if other local authorities were going to follow the same emissions guidelines.

There was a Board within Staffordshire County Council that met regularly around amending their Taxi Policies to look at emission standards rather than vehicle ages; others had done it slightly differently to Newcastle and Stoke. It was hoped that there would be a form of National Standards to promote it across all local authorities.

Councillor Adcock asked if concerns regarding door signage damaging vehicles were valid ones.

Newcastle did not mandate how signage was stuck to the doors. The magnetic ones had not been known to damage vehicles; physical stickers may, however cause some slight damage.

Councillor Hutchison asked why, for the knowledge test, it had changed from 75% for each section to 75% overall.

In the last two years the taxi knowledge test had been amended with a couple of sections being removed as training had been consolidated and there was a test in relation to those. Some sections had more questions than others so that people who previously would have failed the test over minor errors would now pass.

Councillor Gill Williams was pleased that door signage was being retained as it would protect the public.

Councillor Sweeney congratulated the Licensing Team stating that it was an excellent policy.

Councillor John Williams was pleased that taxi drivers now had to wear their badges or display them.

Resolved: (i) That the proposed policy document be agreed

Licensing & Public Protection Committee - 19/08/25

- (ii) That the policy document take effect from 1 January, 2026

[Watch the debate here](#)

12. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

Resolved: That the Minutes of the meetings held on 7 May and 11 June, 2025 be received.

13. DISCLOSURE OF EXEMPT INFORMATION

There was no confidential business.

14. URGENT BUSINESS

There was no urgent business.

**Deputy Mayor. Councillor Joan Whieldon
Chair**

Meeting concluded at 8.16 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee 8 October 2025

Report Title: Statement of Licensing Policy 2025-30

Submitted by: Service Director - Regulatory Services & Licensing Lead Officer

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 advise members of the outcome of the public consultation on the draft Statement of Licensing Policy for the Council and to seek approval for the Policy to be submitted to Council.			
<u>Recommendation</u> That Members receive the outcome of the public consultation That Members approve submission of the Statement of Licensing Policy to Council on 19 th November 2025 for adoption.			
<u>Reasons</u> Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by January 2021 and thereafter every 5 years. If a Council reviews their Policy within the 5-year period then a new 5 year period begins from the date it is implemented. The policy therefore requires review and implementation by 18 th November 2025.			

1. Background

- 1.1 Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by January 2021 and the revision published by 6th January 2021 and thereafter every 5 years. If a Council reviews their Policy within the 5-year period then a new 5 year period begins from the date it is implemented.
- 1.2 The existing Statement of Licensing Policy was approved via urgent officer decision by Chief Executive on 18th November 2020, due to cancellation of Council due to covid restrictions. The decision was subsequently approved by Council and therefore requires review and to be readopted prior to this date.
- 1.3 On 20th August 2025 the Committee determined that the draft policy go out for consultation with the statutory consultees, relevant other bodies and members of the public for a period of 4 weeks that would end on 16th September 2025.

2. Issues

- 2.1** The statement of policy sets out the Councils “policy with respect to the exercise of its licensing functions”. This includes ensuring that the Policy meets the four Licensing Objectives:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm.
- 2.2** During the consultation period the Council received one response to the proposed policy from the Council’s Environmental Health Department, which included proposed model conditions in relation to the prevention of public nuisance. A copy of their response is attached as **Appendix A**.
- 2.3** As there were no other responses the amendments proposed and consulted upon have been included within the new policy document. These were:
- Updating weblinks and terminology, and formatting to promote clarity;
 - Updated reference to Cumulative Impact Assessment which has been published since the last Statement of Licensing Policy was published;
 - Inclusion of approved Digital ID to be used as proof of age which will be permitted under the Licensing Act 2003 in due course;
 - Inclusion of reference to the Terrorism (Protection of Premises) Act 2025;
 - Removal of sections that are duplicates of other legislative requirements or are entirely covered within the Licensing Act 2003 (i.e. Section 5);
 - Consolidation and strengthening of the sections relating to the Council’s duties to those with protected characteristics having regard to relevant Government Guidance and the Equality Act 2010 (Public Sector Equality Duty);
 - Updating and the removal of outdated ‘model’ conditions in Appendix A.
 - Removal of Appendix B – Map of the Cumulative Impact Assessment area, which is part of a standalone ‘live document’.
- 2.4** Members of Licensing and Public Protection Committee are invited to make any comments on the Policy prior to proposing its adoption by Full Council on 19th November 2025. A copy of the proposed policy is attached as **Appendix B**.

3. Recommendation

- 3.1** That Members receive the outcome of the public consultation, consider any amendments as required, and propose that the policy is adopted at Full Council.

4. Reasons

- 4.1** The proposed amendments are required to ensure compliance with the Licensing Act 2003 and to also ensure that the Statement of Licensing Policy is up to date and includes best practice.

5. Options Considered

- 5.1** To agree that the proposed policy, attached as Appendix B, is forwarded to Full Council on 19th November 2025 to agree and adopt; (**RECOMMENDED**)
- 5.2** To make amendments to the proposed policy prior to adoption by Full Council.

- 6.1 Under Section 5 of the Licensing Act 2003 the Council is required to revise its Statement of Licensing Policy by 25th November 2020 and thereafter every 5 years

7. **Equality Impact Assessment**

- 7.1 There are no impacts identified arising from this report.

8. **Financial and Resource Implications**

- 8.1 There are no impacts identified arising from this report.

9. **Major Risks & Mitigation**

- 9.1 There are risks associated with the Council not having an approved Statement of Licensing Policy as required by the Licensing Act.

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

10.1



11. **One Council**

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

One Commercial Council: ☒

Consideration has been given to ensuring that the Council's duties under the Act are dealt with efficiently and expeditiously to reduce any unnecessary expenditure.

One Sustainable Council: ☒

Applications are now made almost entirely online with no need for hard copy documentation.

One Digital Council: ☒

Applications are now made almost entirely online with no need for hard copy documentation.

12. **Key Decision Information**

- 12.1 This is not a key decision.

13. **Earlier Cabinet/Committee Resolutions**

- 13.1 The existing statement of licensing policy was approved at by urgent officer decision by Chief Executive on 18th November 2020 and subsequently endorsed by Full Council on 16th December 2020.

14. **List of Appendices**

- 14.1 Appendix A- Environmental Health's response.
- 14.2 Appendix B- Proposed Statement of Licensing Policy.

15. **Background Papers**

- 15.1 None.

Hi Mathew,

I just thought that for new applicants and/or for premises which were never used for licensed activities and wish to operate regulated entertainment; provision of hot foods; install plant and machinery; etc, and are near sensitive receivers, it would help the applicants to know what is expected of them before they apply. Or should the below be added to the application guidance instead of the policy document?

I have this long suggestion which is often great at preventing problems from happening at later dates. Please feel free to streamline it if necessary:

Prevention of Public Nuisance

“If Regulated Entertainment is to be operated:

All doors and windows will remain closed during the operation of regulated entertainment or in any event after ‘22:00’. The entrance door will preferably be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be responsible to ensure that doors are opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.

Entry to the premises will be restricted to a particular entrance(s) whilst the premises is being used for regulated entertainment.

For new premises (under construction/renovation/change of use) where regulated entertainment is to be operated, the provision of lobbied doors will be advisable, to prevent noise breakouts. Entrance/exit from the premises whilst regulated entertainment is ongoing shall be via lobbied doors to minimise noise breakout. This requirement may not apply to existing premises which do not currently have lobbied doors.

It is recommended that regulated entertainment shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Structure borne noise

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

The level of amplified regulated entertainment shall be controlled by means of limiting device set at a level which upon request may be agreed with the licensing authority, or utilise an in-house amplification system, the maximum output of which is controlled by the duty manager.

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises.

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

Where noise sensitive receivers are within proximity to the premises wishing to apply for a licence, signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly.

If Beer Gardens are part of the application, the bar garden will be closed at '22:00' with only a certain number of persons permitted to utilise the beer garden/frontage. The person exposed to residences will be restricted to suitable number persons after '22:00'.

Only patrons seated at tables will be permitted in the beer garden.

The beer garden/frontage will be closed, and patrons requested to come inside the main structure of the premises at '22:00' hours.

Plant and machinery

The applicant to source quieter models or plant and machinery if the application is for an establishment of new licensed activities which require installation of plant and machinery. All plant and machinery shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours.

Patrons entering/exiting premises.

Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner

Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.

Prevention of Nuisance from Odour

All ventilation and extraction systems shall be installed in accordance British Standards and shall be adequately maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise and/or odour.

Prevention of nuisance from light

The use of explosives, pyrotechnics and fireworks will be restricted to 12:00pm and 22.00 and located away from nearby residential premises.

Illuminated external signage shall be switched off when the premises is closed.

Security lights will be positioned to minimise light intrusion to nearby residential premises.

Full details of concerns raised above need to be supplied to Environmental Health for our perusal. This would enable us to examine the application and make comments as to whether the proposed operations can cause noise nuisance/public nuisance.

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

The level of amplified regulated entertainment shall be controlled by means of limiting device set at a level which upon request may be agreed with the licensing authority.

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises.

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

Deliveries and collections.

Deliveries and collections associated with the premises will be arranged between the hours 08:00 and 18:30 to minimise the disturbance caused to the neighbours.

Glasses will be collected or emptied at the beginning of the day rather than at closing time (Emptying/Collection between 07:00 – 22:00) when neighbours in proximity might be unduly disturbed.

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed”.

Please feel free to contact me if you need further information.

Lamin Tamba

Environmental Health

Newcastle-under-Lyme Borough Council

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DRAFT STATEMENT OF LICENSING POLICY 2025-2030

**Adopted by Full Council on: 19th
November 2025**

**Operational start date: 19th
November 2025**

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STATEMENT OF LICENSING POLICY 2025-2030

1. INTRODUCTION

1.1 Introduction

Under the provisions of the Licensing Act 2003 (the Act), the Borough Council of Newcastle-under-Lyme (the Licensing Authority) is the licensing authority for the administration and enforcement of the above Act and associated orders and regulations within its area. The legislation regulates the licensable activities:

- The sale of alcohol by retail;
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 Statement of Licensing Policy

Section 5 of the Act requires that the Licensing Authority prepares and publishes a Statement of its Licensing Policy every five years. The Statement of Licensing Policy must be published before the Licensing Authority carries out any function in respect of individual applications made under the terms of the Act.

1.3 Statutory Consultees

Before determining its Policy for any five year period, the Licensing Authority is required to consult with the persons specified in Section 5(3) of the Act. These are:

- The Chief Officer of Police for the area
- The Fire and Rescue Authority
- The Local Health Board
- The Local Authority with Public Health Functions
- Representatives representing local holders of premises licences and club premises certificates
- Representatives representing local holders of personal licences
- Representatives representing business and residents in its area.

1.4 Consultation with Representatives of Existing Licensees

This Statement of Licensing Policy is the sixth such statement adopted under the provisions of the Act and the Licensing Authority will consult with organisations representative of current licence holders.

1.5 Other Consultees

The Licensing Authority is empowered to consult with other bodies as it deems appropriate and this policy has been prepared after consultation with the following additional bodies:

- Borough Council Environmental Health Department
- Borough Council Partnerships TeamHome Office Immigration Department
- Newcastle BID
- Town and Parish Councils
- Staffordshire Parish Councils Association
- Staffordshire Chambers of Commerce
- All neighbouring and Staffordshire local authorities
- Local businesses including Pubs, Takeaways etc
- British Beer and Pub Association
- UK Hospitality
- Association of Convenience Stores
- Staffordshire Trading Standards
- Staffordshire County Council
- Solicitors acting for various licensed multiple retailers
- Solicitors acting for various brewery companies.
- Partnership against business crime in Staffordshire (PABCIS)

1.6 Regard to Guidance

The Licensing Authority must have regard to the guidance issued by the Home Office in discharging its functions under the Act and this Statement of Licensing Policy has been prepared taking into account that guidance. The views of all consultees have been given proper weight in the preparation of this policy document.

1.7 Period of Licensing Policy

The Statement of Licensing Policy will be used by the Licensing Authority in the administration and enforcement of its duties under the Act. It will remain in force for a period of five years and will be reviewed and subject to further consultation before the end of the five year period. A new Statement of Licensing Policy will be adopted to come into operation at the expiry of the current Licensing Policy.

1.8 Review of Licensing Policy

During the currency of any Statement of Licensing Policy, the Licensing Authority will keep the operation of the Policy under review and make appropriate revisions to ensure the effectiveness of the Policy, subject to appropriate consultation.

Minor changes would be made without consultation where:

- they are to correct an administrative error
- they are a change needed because something is no longer possible or legal
- there is no foreseeable detrimental effect to licensee's interests.

2. AIMS AND OBJECTIVES

2.1 Exercise of Responsibilities

In exercising its duties and responsibilities under the terms of the Act, the Licensing Authority will have regard to this Statement of Licensing Policy and to the guidance issued by the Secretary of State. Subject to this, all applications will be treated on their merits and judged accordingly.

2.2 The Licensing Objectives

The Licensing Authority will exercise its duties in such a way as to promote the licensing objectives set out below:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Licensing Authority confirms that each objective has equal importance and that the licensing objectives will be the only considerations to be taken into account in determining applications.

2.3 Other Local Strategies

The administration and enforcement of the Act will also take into account other appropriate local strategies. The Licensing Authority has formulated its policies and procedures detailed in this Statement of Licensing Policy, taking into account the current policies incorporated into the locally adopted strategies on the following matters:

- Council Plan
- Anti-social behaviour
- Cumulative impact assessment
- Economic Development

2.4 Facilitation of Well Run Premises

The legislative powers provide for the carrying on the licensable activities in a way which ensures the licensing objectives are met and are neither detrimental to members of the public nor gives rise to loss of amenity. The Licensing Authority expects premises to be well run and managed and that licence holders take positive action with regard to their responsibility to promote the licensing objectives.

2.5 Contribution to Local Economy

The Licensing Authority recognises that the entertainment and hospitality industries are a major contributor to the local economy. There are currently some 410 premises licensed under the Act and these premises provide valuable employment opportunities as well as supporting other sectors of the economy such as shops, cultural activities and tourist attractions. The industry attracts visitors from outside the area as well as local residents and helps to create vibrant towns and communities within the Borough.

However, when considering the promotion of vibrant localities, the Licensing Authority must take account of its duty to safeguard all of the community. This duty will be a major consideration in the granting or reviewing of all licences as judged against the four licensing objectives.

2.6 Promotion of Cultural Activities

The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre, circus and street arts for the wider cultural benefit of the local community generally.

2.7 Local Transport Policy

In relation to local transport policy, there will be appropriate liaison between the licensing, Police and transport authorities on all matters in relation to dispersal of people from areas where there is a concentration of entertainment premises. Such liaison is intended to ensure that the local transport plan is informed of the current needs of such areas so that the local transport strategy can be contemporaneously adapted to ensure that people are moved from such areas swiftly and safely to avoid concentrations of people which produce disorder and disturbance.

2.8 Protection of Residential Amenity

The Borough has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In some areas, local residents are adversely affected by the activities at licensed premises. Commercial occupiers of premises also have an expectation of an environment that is attractive and sustainable for their businesses. The Licensing Authority also has wider considerations in relation to the amenity of the area including littering and the fouling of public places. The Licensing Authority will determine its policies and conditions in such a way as to ensure that the Licensing objectives are actively promoted.

2.9 Trading Hours

Licensed premises will be expected to conduct their business in such a manner as not to cause nuisance or disturbance to those living or working in the locality. Trading hours will not be

regulated by geographical areas or zones, but due regard will be given to the potential for any nuisance or disturbance to be caused to those living or working nearby. In particular, where appropriate, and following relevant representation, conditions may be attached to address issues of noise, litter and light pollution, or to restrict trading hours where the premises being licensed are in the vicinity of residential accommodation.

2.10 Protection of Children from Harm

Applicants will demonstrate through their operating schedules the measures they intend to take to keep children from harm. In particular, premises where the principal licensed activity is the sale or supply of alcohol will demonstrate how they will ensure that unaccompanied children are excluded from the premises (e.g. by the requirement of proof of age cards as a condition of entry).

2.11 Illegal Sales of Age Restricted Goods

The Licensing Authority takes a very serious view of the illegal sale of alcohol and other age-restricted goods to minors and will continue to work with Staffordshire Trading Standards and Staffordshire Police to advise both the off-licence and on-licence trade on how to set up systems to avoid such sales taking place.

The Licensing Authority will expect applicants for licences to demonstrate how they will ensure that all their frontline staff have received adequate training on the law with regard to age restricted sales. They will also be expected to demonstrate in their operating schedules the measures they will take to ensure that illegal sales to children under 18 do not take place such as the checking of identification for proof of age through a secure system. (Ideally, identification should be a photo driving licence or passport, a PASS approved 'proof of age' card or a PASS approved form of Digital ID that meets the provisions within the Data (Uses and Access) Act 2025. Other forms of identification must be treated with caution because some have been shown to be insecure and open to fraud.

Additionally, the Licensing Authority encourages premises to include a Challenge 25 policy in their operating schedule, to ensure anyone who appears to be under the age of 25 provides relevant proof of age.

The Licensing Authority considers it good management practice that licensees keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records helps to demonstrate that the responsibilities for checking the ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available

for inspection by the Licensing Officer, Trading Standards or the Police.

In premises where alcohol is not the main product sold – for example, in food retailers and corner shops – the Licensing Authority will actively encourage the use of warning messages where an electronic point of sale system (EPOS) is in use. Such a warning system can help employees as it prompts them to check the age of purchasers of alcohol or other age restricted products when they are presented at the check-out.

2.12 The Prevention of Crime and Disorder

The Licensing Authority expects licensed premises to be managed in a manner so as not to contribute to problems of crime, disorder or anti-social behaviour in the locality. Licensees will be expected to actively co-operate with initiatives to enhance community safety.

2.13 Irresponsible Drinks Promotions

The Licensing Authority commends the Portman Group's Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are purchased and promoted in a socially responsible manner and only to those who are aged 18 or over. The Licensing Authority also expects that licensees will be aware of the mandatory conditions on the premises licences that prohibit irresponsible drinks promotions from taking place.

2.14 Drugs Policies

The Licensing Authority encourages all applicants for premises licenses and club certificates to demonstrate through their operating schedules the measures they will take to address the incidence of illegal substances on their premises and to keep customers from harm.

The Licensing Authority considers it good practice for all applications for premises licences or club premises certificates for premises where alcohol will be consumed on the premises to be accompanied by a Drugs Policy which should address all the factors set out in Appendix A of this Policy and include provisions in relation to:

- Addressing the incidents, supply and consumption of drugs on the premises
- Arrangements, facilities and procedures to minimise the harmful effects of drugs
- Search procedures and procedures for detecting drugs on the premises
- Procedures for dealing with drugs found on the premises
- Procedures for dealing with those suspected of being in possession of illegal substances.

2.15 Public Safety

The Licensing Authority expects applicants to demonstrate in their operating schedules the measures they will take to promote the public safety licensing objective and protect the physical safety of people using the licensed premises. This may include any requirements as set out in the Terrorism (Protection of Premises) Act 2025, associated regulations and guidance where the premises falls into the standard or enhanced premises criteria.

2.16 Public Sector Equality Duty (PSED)

The Licensing Authority is mindful of its duties under the Equality Act 2010 and will exercise its functions under the Act in such a way as to:

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic; and
- foster good relations between people who share and people who do not share a relevant protected characteristic

The Licensing Authority will have regard to the relevant Government guidance on PSED when exercising its functions, particularly whether PSED needs to be applied in a decision on an application. The guidance is accessible here:

<https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities>

2.17 Application Procedure

Where no representations are received, the application will be granted in the terms sought and no additional conditions imposed other than those which are consistent with the operating schedule.

3. THE APPLICATION PROCESS

3.1 Applications to be made in Prescribed Form

The Licensing Authority requires that all applications for the grant, variation or transfer of any premises licence, the grant of a club certificate or a personal licence detailed in the Act, are made in accordance with the statutory requirements and any guidance issued from time to time by the Licensing Authority.

All such applications must be made in the prescribed form and accompanied by the appropriate fee, where applicable, to be accepted as valid. Where such applications are statutorily required to be advertised or notified to other specified persons, the applicant must confirm that such advertisement or notification has been properly made and be accompanied by supporting evidence.

3.2 Delegations and determinations

Upon receipt of a valid application, the Licensing Authority will consider the matter and determine it in accordance with this Licensing Policy, the statutory requirements and the guidance from the Secretary of State. To assist in the speed, efficiency and cost effectiveness of the administration of the licensing process, the application will be determined in accordance with delegation criteria found within the table at Chapter 14 of the statutory guidance <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003/revised-guidance-issued-under-section-182-of-the-licensing-act-2003-december-2023-accessible-version#statements-of-licensing-policy>

The Licensing Authority acknowledge that Licensing decisions often involve weighing a variety of competing considerations, such as the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, etc.

Sometimes a licensing decision involve narrow questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as appropriate and proportionate to the promotion of the licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

3.3 Operating Schedules

All applications for premises licences and club premises certificates must be accompanied by an operating schedule. This should be drawn up following a full risk assessment of the activities to be undertaken and contain the information required by the Act and associated Regulations to include a floor plan, details of the licensable activities proposed, opening hours and operating arrangements. This could include for example:

- Drinks promotion proposals
- Seating arrangements
- Drugs policy
- Security arrangements (including requirements under the Terrorism (Protection of Premises) Act 2025, known as 'Martyn's Law')
- Safety arrangements
- Maximum occupancy figure (based on risk assessment)
- CCTV arrangements inside and outside
- Staffing arrangements
- Staff training plan
- A fire risk assessment.

3.4 Use of Conditions

Where an application is received by the Licensing Authority it will be granted subject to any such conditions as are consistent with the operating schedule submitted by the applicant. This does not mean that the Authority will automatically reproduce the contents of the applicant's operating schedule. Certain conditions may be amended, if deemed appropriate by the Licensing Authority, following consultation with the applicant if required, so as to make the conditions meaningful and enforceable whilst at the same time ensuring the conditions are consistent with the operating schedule.

As an example the following condition, taken from an applicant's operating schedule, "CCTV at premises" may be amended to read:

- i) CCTV shall be installed at the premises;
- ii) The CCTV system shall be maintained and fully operational during the hours of licensable activity;
- iii) All recordings shall be available for inspection by an authorised officer.

In order to avoid such problems of interpretation it is expected that applicants will consult with Responsible Authorities prior to application or during the application process. This would also have the effect of minimising the necessity for hearings and allow for proper liaison.

An example of best practice is contained within the conditions regarding CCTV provision at the Premises.

A list of model conditions are attached as **Appendix A** governing the four licensing objectives and specific situations. Applicants are encouraged to study these conditions and enter into consultation with Responsible Authorities with a view to reaching agreement on appropriate and proportionate conditions.

3.5 Limitation on Conditions

Conditions will only be imposed to regulate matters which can be controlled by the licence holder. Such measures may be used to control the impact of the licensed activity on members of the public living, working or engaged in normal activities in the locality of the licensed premises. General anti-social behaviour of patrons in the vicinity of the licensed premises may not be able to be controlled by the licence holder but this will depend on the geography of the area and the Council expect that the licence holder will do all within their power and work with other agencies to address anti-social behaviour or other problems within the locality of the premises.

3.6 Cumulative Impact Assessment

Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. 'Cumulative impact assessments' (CIA) were introduced in the 2003 Act by the Policing and Crime Act 2017 and replaced what were known as Cumulative Impact Policies (CIP). The Council have resolved to publish a CIA which is a standalone 'live' document capable of being amended when required. The current CIA can be found here: <https://www.newcastle-staffs.gov.uk/directory-record/95609/cumulative-impact-assessment>

3.7 Other Control Mechanisms

In considering whether or not to adopt a cumulative impact assessment, the Licensing Authority will take into account its responsibilities and duties under the Licensing Act 2003. However, the Licensing Authority recognises that there are other mechanisms available for addressing problems of disorder associated with customers in the vicinity of licensed premises. Such matters would include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- The provision of CCTV surveillance in the town centre, taxi ranks, street cleaning and litter patrols
- Powers available to the Licensing Authority to designate parts of the area as places where alcohol may not be consumed publicly i.e. Public Space Protection Orders
- Police enforcement of general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of personal licence holders or members of staff at such premises who sell alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- The use of Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

These matters may be supplemented by other local initiatives that similarly address these problems.

3.8 Planning /Building Control

The use of any licensed premises or places (including outside areas) are subject to planning controls. This would equally affect licensable activities held under a premises licence or temporary event notice. There are several key differences between licensing and planning control. The most significant is that planning is concerned with how land is used, whereas licensing is concerned with ensuring that public safety in its widest sense is protected.

It is recommended that issues concerning planning permission be resolved before a licence application is made. The Planning Authority may make representations in respect of licensing applications particularly where the activity to be authorised would amount to a

contravention of the existing planning permissions and/or conditions imposed on planning permissions for the premises or the hours being sought exceed those authorised by any relevant planning permission.

Planning, Building Control and Licensing applications and conditions are separate. Licensing applications should not be a re-run of a planning application. Internal and external alterations to licensed premises must have building regulation approval where such approval is required under the Building Acts etc.

Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for licensable activities, an application may be made to the Licensing Authority for a Provisional Statement or a new grant of a licence. The Licensing Authority will determine the application in the same way as any other application for a premises licence.

3.9 Operating Hours Conditions

Where relevant representations are received, the Licensing Authority will consider restricting the hours of the licensable activity on the individual merits of the application. The Licensing Authority will take into account the overall impact the licensed premises has on the local amenity and any proposals the applicant might submit to mitigate such impact. Uniform or standardised hours of operation for premises, areas or classes of activity will not be set so that the orderly departure of customers can be aided. However, the Licensing Authority would consider the imposition of appropriate conditions to require the holders of premises licences and club premises certificates to ensure the orderly departure of their customers, particularly in noise sensitive areas. Where it is likely that significant nuisance will be caused to local residents by late night activity, a restriction on operating hours must be considered.

3.10 Sales from General Retail Premises

In relation to premises selling alcohol for consumption off the premises as part of general retail sales, there will be a presumption that that activity will be licensed to operate at all the times that the premises are open for their normal business. However, where relevant representations are received, the Licensing Authority will consider the imposition of more restrictive hours for the sale of alcohol at those premises where, for example, that activity creates a focus for disorder and disturbance.

3.11 Film Exhibitions

Where premises are licensed for the giving of film exhibitions, the Licensing

Authority will impose conditions requiring that children only be admitted to such exhibitions in accordance with the film classification as recommended by the British Board of Film Classification (BBFC). The conditions will include the requirement that the licence holder complies with the requirements of the BBFC in relation to the giving of information to the public and advertising that information. Where the Licensing Authority determine that a specific film shall be granted a film classification different to that determined by the BBFC, the licence holder will be required to comply with any additional conditions imposed by the Licensing Authority for the exhibition of that film.

3.12 Adult Entertainment

Adult entertainment is licensed under a separate licensing regime but may also require an authorisation under Licensing Act 2003 for the sale of alcohol. Normally adult entertainment will not be granted in proximity to residential accommodation, schools, places of worship or community facilities/public buildings, however all applications will be treated on their individual merits.

The licensing authority will have regard to any cumulative effect of the number of such premises in proximity to each other and in the vicinity.

Where applications are granted they will normally be subject to appropriate conditions which promote the licensing objectives including:

- Control of access for children. There is no reason for proof of identity to be confined to those who appear to be under age 18. The Authority may require proof of identity, if appropriate, for anyone appearing under 25
- Exterior advertising/visibility
- Avoiding Contact, including a 'one metre' rule
- Performances confined to stage or other means of segregation
- Performances in place giving direct access to dressing room without passing through audience
- Style of dancing, e.g. no audience participation, physical contact between performers, simulated sex acts etc.
- Management standards, including CCTV inside and out, levels of door and floor supervision, waitress service only
- Rules of club conveyed to performers and audience
- Applicants should state clearly whether their application involves nudity, striptease, sex related or adult entertainment.

3.13 Personal Licences

Personal licences will be granted in accordance with the Act. All applications must be made in the prescribed form and be accompanied by the relevant documentation.

4. MEASURES TO PROMOTE THE LICENSING OBJECTIVES

4.1 Public Safety

Conditions will be imposed in accordance with operating schedules and any relevant representations to protect public safety including, where justified, measures to address the following:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts;
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises; and
- Considering the use of CCTV in and around the premises (this may also assist with promoting the crime and disorder objective).

4.2 Prevention of Public Nuisance

In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, or as a result of people entering or leaving the premises, or by reason of smell, vibration or light pollution.

Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

4.3 The Protection of Children from Harm

Premises licences are granted to a wide variety of establishments for a wide variety of activities regulated under the Act. For the majority of these activities, the presence of children either on their own or accompanied by a responsible adult is not unlawful. The Licensing Authority will not ordinarily impose a condition requiring that children not be admitted to licensed premises. Such a matter will generally be at the discretion of the licence holder. However, in some instances the licence holder will need to restrict the access of children to the premises or parts of the premises at certain times when specific activities are taking place. The applicant is required to detail in the operating schedule the measures they intend to take to meet the licensing objective of 'protecting children from harm'.

Where relevant representations are received, the conditions that may be attached to a

licence to protect children from harm include the following:

- Limitations on the hours when children may be present
- Limitations on or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children may be given access
- Age restrictions (below 18)
- Requirements for children to be accompanied by an adult (including, for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- Full exclusion of people under 18 from the premises when any licensable activities are taking place

Activities Giving Rise to Concern

The activities which would give rise to concern by the Licensing Authority in relation to potential harm for children include:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking;
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

Role of the Director of Children and Lifelong Learning

The Licensing Authority recognises that the Director of Children and Lifelong Learning for the County Council is the responsible authority for advising the licensing authority on all those matters in relation to the licensing objective to protect children from harm. Applicants are specifically required to forward copies of their operating schedule to Staffordshire Trading Standards so that the Licensing Authority may be advised on the suitability and the effectiveness of the applicant's proposals to meet the licensing objective of 'protecting children from harm'.

4.4 Prevention of Crime and Disorder

Conditions will be imposed in accordance with operating schedules and any relevant representations to address the following:

- Radio links Door supervision
- The provision of CCTV
- Maximum permitted numbers
- Bottle bans and use of plastic containers/toughened glass
- Restriction of drinking areas/removal of open containers
- Proof of age cards
- Drugs policies
- Signage
- Adoption of a dispersal policy

- Search on entry
- Overcrowding
- Chill-out facilities
- Pub Watch/Off Licence Watch where such a scheme exist

5. ENFORCEMENT

5.1 Enforcement Policy

The Licensing Authority recognises that efficient and effective enforcement is of paramount importance in ensuring that the objectives of the Act are met. The Licensing Authority will follow the principles outlined in the Council's Enforcement Policy - <https://www.newcastle-staffs.gov.uk/directory-record/28/environmental-health-enforcement-policy>

5.2 Protocols with other Agencies

The Licensing Authority also recognises that there are other enforcement and regulatory agencies who have a direct involvement with the matters detailed in the Act. Protocols and understandings have been agreed with those agencies and they will be reviewed in the light of experience to ensure that transparent and effective enforcement procedures are operated in relation to the legislative requirements.

5.3 Duty to Promote the Licensing Objectives

Where anti-social behaviour or other public disturbance occurs in connection with or in the vicinity of licensed premises, the Licensing Authority will work with other enforcement agencies and other bodies to identify the causes of such events and identify any possible remedies. It is recognised that it is the Licensing Authority's duty to promote the licensing objectives in the interests of the wider community, and to work with the Police and other law enforcement agencies to deter criminal activities and to take appropriate enforcement action. There will therefore be a sharp and proactive focus on premises failing in terms of the licensing objectives.

6. PERMITTED TEMPORARY ACTIVITIES

6.1 Temporary Event Notices

Anyone wishing to hold an event at which any licensable activity will take place may give notice of the event (a temporary event notice) to the Licensing Authority not less than 10 working days before the holding of the event, or 9 to 5 working days if submitting a Late Temporary Event Notice. A copy of the notice must also be given to the Police and Council Environmental Health Department at the same time.

A “working day” is any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

6.2 Limitations

The following limitations apply:

- An individual (other than a personal licence holder) may give a temporary event notice 5 times a year
- A personal licence holder may give a temporary event notice 50 times a year
- A notice may be given 15 times per year in relation to any premises
- A temporary event may last up to 168 hours
- There must be a minimum of 24 hours between events
- The maximum duration of all temporary events at any individual premises in one year is 21 days
- The maximum number of people attending a temporary event at any one time is 499.

In any other circumstances, premises licence or club premises certificate will be required.

Where a temporary event notice has been given, no authorisation is required for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises where there is no premises licence or club premises certificate.

The Police and Council Environmental Health Department have the right to object to a temporary event notice within 3 working days of receiving the notice. Should an objection be made then the Licensing Authority will hold a hearing to consider the Police or Environmental Health Department objection and decide whether or not to issue a counter notice setting out conditions which must be met if the event is to be held, at least 24 hours before the beginning of the event. There is no hearing if the objection relates to a late Temporary Event Notice.

6.3 Public Safety

Those holding permitted temporary activities are reminded of the need to have proper regard for the safety of those attending the event, to have respect for the concerns of local

residents and the need to prevent crime and disorder and anti-social behaviour by those attending.

7. CONTACT DETAILS

Further details for applicants about the licensing and application process, including application forms, can be found by contacting the Licensing Department, Castle House, Barracks Road, Newcastle, Staffordshire, ST5 1BL.

Telephone: 01782 717717

Email: licensing@newcastle-staffs.gov.uk

Advice and guidance to applicants may also be sought from the Responsible Authorities at:

<https://www.newcastle-staffs.gov.uk/alcohol-entertainment-licences/responsible-authorities>

APPENDIX A

Licence Conditions

The Licensing Authority notes that where a "relevant representation" is made the Act makes provision for the attachment of conditions to licences granted under its scope. Conditions may include limitations or restrictions to be applied to the use of the licence, or licensed premises.

It is not, however, intended that conditions should be used to restrict licences unnecessarily and conditions will only therefore be imposed where it is considered appropriate in the public interest to promote the licensing objectives.

Conditions will be tailored to fit the individual application having regard to any representations received. To this end, the Licensing Authority will work closely with other agencies to focus licence conditions to ensure that expected standards are met and that risks to amenity and Public order are kept to a minimum.

This will ensure that those voluntarily exercising the highest levels of management over licensable activities will be afforded sufficient flexibility to maximise business interest and provide a lead on standards of excellence within the industry with the prospect of increasing public access to well regulated entertainment.

A pool of conditions and the circumstances in which these may be used are listed below. Specific conditions may be drawn from these and tailored to the circumstances of a licence. This is not an exhaustive list and the Licensing Authority may apply other conditions not included in this pool if it is considered that these would be more appropriate in the granting of a licence.

POOL OF CONDITIONS FOR LICENCES

Conditions Relating to the Prevention of Crime and Disorder:

It should be noted in particular that it is unlawful under the 2003 Act:

- to sell or supply alcohol to a person who is drunk
- to knowingly allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if appropriate, would promote the prevention of crime and disorder.

Whether or not conditions are appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that

club premises are expected to operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Radio Links:

Radio links connecting premises licence holders, designated premises supervisors and managers of premises/clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers and staff on the premises.

Such systems can provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. These systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

An example of conditions that may be applied include:

Designated premises will install and use appropriate radio links and shall ensure:

- that systems are fully operational and switched on
- that two way radios are monitored by a responsible member of staff
- that all instances of crime and disorder are reported without delay via the 999 system if applicable and the nite-net radio system and Police instructions acted upon
- that text pagers and radio links are maintained between premises and to the Police or other agencies as appropriate.

Where appropriate, conditions requiring the use of radio links may be applied.

Door Supervisors:

Conditions relating to the provision of door supervisors and security teams are valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Examples of the type of conditions that may be applied include:

The Licensee must ensure that a written log is kept that:

- details persons working as door supervisors
- details dates, times when supervisors are on/off duty
- records the full name and SIA registration of the supervisor
- records the address and telephone number of the supervisors working at the premises
- covers a period of a minimum of two years and is available for inspection by the Police or relevant enforcement agency.

In respect of commercial premises with a capacity of 200 or more:

- there must be at least two door staff at each point of entry into the premises and one on each exit point (except emergency exits)
- staff must be in place by 8pm at the latest
- all door supervisors must display their SIA ID card
- all door staff must have ready access to details of local hackney carriage/private hire companies, including telephone numbers, on a leaflet/card or similar that is available to customers on request
- consideration be given whether at least one female door supervisor should be available (for example if female customers are to be the subject of body searches).

Where appropriate, conditions relating to the use of door supervisors may be applied.

Any person employed as a door supervisor or engaged as a door supervisor must be registered and licensed by the Security Industry Authority.

Bottle bans:

Bottles may be used as weapons inflicting serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles, the openings of which may be readily covered. It should also be noted that it is perfectly legitimate for couples, etc. to order a bottle of wine as their drink of choice without food being ordered with this. These issues therefore need to be carefully balanced, and will be considered in assessment of whether and what conditions relating to bottles should be applied.

Examples of conditions that may be applied include:

- No person carrying open bottles or other drinking vessels will be allowed admission to the premises
- No persons carrying closed bottles will be allowed access to the premises where there is a realistic likelihood of the contents being consumed on the premises
- To utilise glass collectors within the premises on a timed rota, e.g. glasses and bottles to be collected routinely at 30 minute intervals
- No drink will be supplied in a glass bottle for consumption on the premises
- No person shall be allowed to leave the licensed area of the premises with open containers of alcohol.

Separate conditions may be applied to differing parts of premises e.g. where food is served.

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

Where appropriate, conditions relating to the use of bottle bans may be applied.

Plastic containers and toughened glass:

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration will therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition.

An example of such a condition would be:

- For the period a premises is open to the public on a day that a live sporting event is broadcast in the premises, all drinking vessels supplied for use must be plastic or of toughened glass composition

In particular areas during specific events, for example live sporting events being broadcast from a premises, or where intelligence exists with regard to the likelihood of crime and disorder within an area, then bottle bans will be imposed and the use of plastic or toughened glass containers required.

It should be noted that the use of plastic or paper drinks containers and toughened glass might also be relevant as measures to promote public safety.

Where appropriate, conditions relating to plastic containers and toughened glass may be applied.

CCTV:

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The Police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Where CCTV is required as a necessity on one of the four licensing objectives, following a relevant representation made by a relevant body, then an example of the protocol conditions that may be applied include:

- There shall be CCTV installed at the premises
- The CCTV system shall be maintained and fully operational during the hours of licensable activity and when premises are open to the public
- There shall be at least one camera situated internally at the premises and at least one camera situated externally showing the main entrance/exit of the premises.
- The premises licence holder shall liaise with Staffordshire Police Service's Architectural Liaison Officer concerning any changes to the siting and viewable areas of the CCTV cameras
- Where this premises licence authorises the sale of alcohol after 00.00 hours, the external camera shall be in operation during the hours of licensable activity and for the period when the premises are open to the public
- The CCTV system shall be capable of producing and storing recordings for a minimum period of 28 days on a rolling basis
- The recordings produced shall be made available in a removable format for inspection/retention by any police constable and Authorised Officers of the local authority
- Upon written request for such recordings, the licensee and Licensing Authority shall keep a copy of the recording for a period of 6 months
- The premises licence holder shall ensure that any CCTV system

installed at the premises meets the required standards as advised by Staffordshire Police's Architectural Liaison Officer ("the Officer").

Such standards shall include:

- a. That colour images are produced
- b. That stills can be taken from the footage and stored for inspection by authorised officers
- c. That the resolution of the images record/produced meets the minimum standard as set by the Officer from time to time.

Home Office approved CCTV systems to be installed and registered in accordance with guidelines laid down by the Information Commissioner.

Open containers not to be taken from the premises:

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises then this is entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be appropriate to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Where appropriate, conditions relating to these matters may be applied.

Restrictions on drinking areas:

It may be appropriate to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the Police consider it appropriate to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Where appropriate, conditions relating to these matters may be applied.

Capacity limits:

It is expected that, if relevant, a safe capacity limit for each licensed premises will be submitted by the applicant as part of their operating schedule and licence application. It will be the responsibility of the applicant to state how they have arrived at this number, and how they will satisfy the licensing objectives at this limit. This is usually done by carrying out a Fire Risk Assessment.

In determining the extent to which capacity limits are appropriate to a premises the Licensing Authority will have reference to the Fire Service.

A suggested condition is: The maximum number of persons permitted within the premises shall be determined by reference to the lower figure of surface area of the premises, CCTV provision and size of escape routes as notified by the Fire Safety Officer.

Proof of age:

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, there is a mandatory condition attached to every premises licence detailing that there must be a policy on verifying an individual is over the age

of 18. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, passports, or digital equivalents that have been approved by the Home Office.

To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 25 Scheme may be applied.

An example of such conditions would be:

- Where any person appears to be under 25 they must be asked to prove they are 18 or over
- The premises will make available leaflets/application forms explaining how appropriate proof of age ID may be obtained.

Where appropriate, conditions relating to proof of age may be applied.

Crime prevention notices:

It may be appropriate at some premises for notices to be displayed which warn customers of the prevalence of crime, which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate may require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns. Similarly, notices requesting that customers leave quietly and in an orderly manner may be appropriate.

Where appropriate, conditions relating to these matters may be applied.

Signage:

In order to assist in appropriate enforcement and regulation of the Act the Licensing Authority will expect the signage at all licensed premises to prominently display licence details, licensable activity, hours of licensable operation, the names of the licence holder and designated premises supervisor for the premises, capacity limits and other relevant matters such as the policy relating to the admission of children. Such signage should also be visible to the public before they enter the premises.

Conditions may be applied requiring observation of this expectation.

Drinks promotions:

Standardised conditions will not be attached to premises licences or club premises certificates that promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises that address irresponsible drinks promotions may be

appropriate and appropriate for the promotion of the licensing objectives. Similarly it may be appropriate to require that adequate notice of the nature and duration of drinks promotions is made available to the Police in advance of the promotions being run.

Such matters will be considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

Where appropriate, conditions relating to these matters may be applied.

Drugs Policy:

The control of the use of illegal drugs by persons attending licensed premises is an important factor in the prevention of crime and disorder. It would be desirable for applicants to demonstrate in their operating schedules how they will address the incidence of drugs on their premises by the inclusion of a drugs policy which should include:

- Search as a condition of entry
- Search on entry policy
- Arrangements for detecting drugs on the premises
- The provision of drugs awareness information
- The provision of free drinking water
- Measures to prevent overcrowding
- Measures to create a safe environment, e.g. chill-out facilities
- Drugs awareness training for staff
- First Aid training for staff in dealing with those suffering from the ill-effects of drug use
- Door supervision.

Drugs policies will be expected to be tailored to the nature of the premises and the types of activities undertaken.

Conditions Relating to Public Safety

(including Fire Safety)

It should be noted that conditions relating to public safety should be those which are appropriate, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures appropriate to avoid and control these risks.

Conditions enforcing those requirements will therefore be unnecessary.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if appropriate, would promote public safety. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

Whether or not any risk assessment shows any of the measures to be appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

- Those preparing operating schedules or club operating schedules, Licensing Authorities and responsible authorities should consider all relevant industry standards and guidance

The Licensing Authority and responsible authorities are aware that under no circumstances should any conditions be regarded as standard for all premises. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

The following are examples of conditions that may be applied:

Disabled people:

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration may be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- Disabled people on the premises are made aware of those arrangements.

Safety checks:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

First Aid:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of First Aid equipment and materials is available on the premises
- If appropriate, at least one suitably trained First-Aider shall be on duty when the public are present, and if more than one suitably trained First-Aider that their respective duties are clearly defined.

Lighting:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present
- Emergency lighting is not to be altered without the consent of the Licensing Authority
- Emergency lighting batteries are fully charged before the admission of the public, members or guests
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting

battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems shall comply with the recommendations of the relevant standards.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The premises are effectively ventilated
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises
- Ventilation ducts are kept clean
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor sports entertainments:

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure:

- If appropriate, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature
- Where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also 'Managing Health and Safety in Swimming Pools' issued jointly by the Health and Safety Commission and Sport England).

Theatres and Cinemas (Promotion of Public Safety):

In addition to the points made in Conditions relating to Public Safety there are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be appropriate and should be established through risk assessment and standardised conditions should be avoided.

Drinks:

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Special effects:

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers
- Explosives and highly flammable substances.

In certain circumstances, it may be appropriate to require that certain special effects are only used with the prior consent of the Licensing Authority.

Any scenery should be maintained flame-retardant.

Smoking:

Licensees should consider the risks from second-hand smoke to users of the permitted smoking areas when drawing up operating schedules.

Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in the Anti-Social Behaviour, Crime and Policing Act 2014 enable a senior Police or Local Authority officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

General:

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options will be considered as measures that, if appropriate, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be appropriate in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Appropriate conditions for licences and certificates will also depend on local knowledge of the premises.

Hours:

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder that results from artificially early fixed closing times.

Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the

public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Where appropriate, conditions relating to these matters may be applied.

“If Regulated Entertainment is to be operated:

All doors and windows will remain closed during the operation of regulated entertainment or in any event after ‘22:00’. The entrance door will preferably be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be responsible to ensure that doors are opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.

Entry to the premises will be restricted to a particular entrance(s) whilst the premises is being used for regulated entertainment.

For new premises (under construction/renovation/change of use) where regulated entertainment is to be operated, the provision of lobbied doors will be advisable, to prevent noise breakouts. Entrance/exit from the premises whilst regulated entertainment is ongoing shall be via lobbied doors to minimise noise breakout. This requirement may not apply to existing premises which do not currently have lobbied doors.

It is recommended that regulated entertainment shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Structure borne noise

All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

The level of amplified regulated entertainment shall be controlled by means of limiting device set at a level which upon request may be agreed with the licensing authority, or utilise an in-house amplification system, the maximum output of which is controlled by the duty manager.

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises.

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

Where noise sensitive receivers are within proximity to the premises wishing to apply for a licence, signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly.

If Beer Gardens are part of the application, the bar garden will be closed at '22:00' with only a certain number of persons permitted to utilise the beer garden/frontage. The person exposed to residences will be restricted to suitable number persons after '22:00'.

Only patrons seated at tables will be permitted in the beer garden.

The beer garden/frontage will be closed, and patrons requested to come inside the main structure of the premises at '22:00' hours.

Plant and machinery

The applicant to source quieter models or plant and machinery if the application is for an establishment of new licensed activities which require installation of plant and machinery. All plant and machinery shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours.

Patrons entering/exiting premises.

Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner

Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner.

Prevention of Nuisance from Odour

All ventilation and extraction systems shall be installed in accordance British Standards and shall be adequately maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise and/or odour.

Prevention of nuisance from light

The use of explosives, pyrotechnics and fireworks will be restricted to 12:00pm and 22.00 and located away from nearby residential premises.

Illuminated external signage shall be switched off when the premises is closed.

Security lights will be positioned to minimise light intrusion to nearby residential premises.

Full details of concerns raised above need to be supplied to Environmental Health for our perusal. This would enable us to examine the application and make comments as to whether the proposed operations can cause noise nuisance/public nuisance.

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.

All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

The level of amplified regulated entertainment shall be controlled by means of limiting device set at a level which upon request may be agreed with the licensing authority.

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises.

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.

Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

Deliveries and collections.

Deliveries and collections associated with the premises will be arranged between the hours 08:00 and 18:30 to minimise the disturbance caused to the neighbours.

Glasses will be collected or emptied at the beginning of the day rather than at closing time (Emptying/Collection between 07:00 – 22:00) when neighbours in proximity might be unduly disturbed.

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed”.

Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general:

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be made where it is appropriate to protect children from harm.

Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it appropriate to protect children from harm.

While the application of conditions will depend on the specific circumstances of an application, the Licensing Authority will, (unless there are circumstances justifying the contrary), adhere to the following recommendations as put forward by the Secretary of State:

- for any premises having known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail

in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm.

Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm whilst on the premises.

Age restrictions – specific:

Under the 2003 Act, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Licensing Authority, following relevant representations made by responsible authorities and interested parties, will consider a range of conditions that will be tailored to the particular premises and their activities where these are appropriate.

The Licensing Authority will consider the hours of the day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be appropriate to impose age restrictions for earlier parts of the day;

- types of event or activity in respect of which no age restrictions may be needed, for example family entertainment; or non-alcohol events for young age groups, such as under 18s dances.

Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

- during “Happy Hours” or on drinks promotion nights;
- during activities outlined above.

Age restrictions – cinemas:

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20 which requires the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- a condition that where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Licensing Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Licensing Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then

imposed;

- a condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:

> U Universal – suitable for audiences aged four years and over

> PG – Parental Guidance. Some scenes may be unsuitable for young children

> 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult

> 15 – Passed only for viewing by persons aged 15 years and over

> 18 – Passed only for viewing by persons aged 18 years and over

- that conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- a condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

Theatres:

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is appropriate to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment.

A condition restricting the admission of children in such circumstances may be appropriate. Entertainment may also be presented at theatres specifically for children (see below).

The Licensing Authority will consider whether a condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

Performances especially for children:

Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Regard will be had to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances:

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show.

However, if it is appropriate to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- **Fire safety** – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the

children

- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Proof of age:

Where appropriate, a requirement for the production of PASS accredited proof of age card before any sale of alcohol is made may be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised “proof of age”, but allow for the production of other proof, such as photo-driving licences, passports or digital equivalents that have been approved by the Home Office. It should be noted that many adults in England and Wales do not currently carry any proof of age. To assist in ensuring that only persons over the age of 18 are able to purchase alcohol, then the Challenge 25 Scheme may be applied. This will ensure that most minors – even those looking older – would need to produce proof of age appropriately before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity, for example, when shopping in a supermarket.

Proof of age can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Smoking areas:

The risks to children from second-hand smoke should be considered when submitting operating schedules. Appropriate measures to protect children from exposure should be documented and put in place in those areas to which children are admitted or to which they have access.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee
8 October 2025

Report Title: Fees to be charged for the Licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues 2026-27

Submitted by: Service Director - Regulatory Services & Licensing Lead Officer

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"/>
For Members to consider the fees to be charged in relation to the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues.	
<u>Recommendation</u>	
That Committee agree the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2026-27	
<u>Reasons</u>	
Decisions relating to the setting of non-statutory fees and charges for licensing have been delegated from Council to Licensing Committee.	

1. **Background**

- 1.1 The approval of certain fees and charges relating to the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues (SEVs) licensing regimes are Council functions.
- 1.2 Council at their meeting on 22nd February 2017 delegated this function to Licensing Committee.
- 1.3 **Gambling:** The Gambling Act 2005 allows Licensing Authorities to set their own fees for premises licenses, subject to maximum levels which have been specified by Central Government.
- 1.4 The Councils Gambling Policy was implemented in January 2022, following approval from the Licensing Committee and Council.

Sexual Entertainment Venues:

1.5 The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') introduced a licensing regime to control sex establishments. The Council adopted schedule 3 of the Act on the 31st March 2010 and the schedule took effect on the 3rd August 2010. This means the Council can control and regulate the operation of certain kinds of sex establishments within its area. No sex establishment can operate unless it has obtained a licence from the Council. Any licence may contain conditions that will restrict how that sex establishment may trade.

1.6 The setting of fees for the licensing of sex establishment remains with the Local Authority. The licence is for a one year period. We do not currently licence any Sex Establishment Venues.

Scrap Metal Dealers:

1.7 The Scrap Metal Dealers Act 2013 ('the SMDA13') introduced a licensing regime to control Scrap Metal Dealers, replacing the registration scheme used previously. The SMDA13 allows Licensing Authorities to set their own fees for both Site and Collectors licences.

2. Issues

2.1 The European Services Directive states (Art 12.2):

"Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures"

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme.

Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

2.2 Guidance for Local Authorities on the Provision of Service Regulations States (2nd Edition June 2009 Para 12d):

"Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should the service provider feel that the level of fees are being used as an economic deterrent or to raise funds for local authorities Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.

3. Recommendation

3.1 That committee agree the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venue Licencing. All proposed license fees and charges are detailed in the table below:

<u>Licences:</u>	<u>2025-26</u> <u>Fee</u>	<u>2026-27</u> <u>Proposed</u> <u>Fee</u>	<u>% Change</u>
General			
Sex establishments - application fee	3,812.00	3,926.00	3%
Sex establishments - renewal	3,812.00	3,926.00	3%
Sex establishments - variation	1,291.00	1,330.00	3%
Sex establishments – transfer	1,291.00	1,330.00	3%
General			
Scrap metal dealer site licence	326.00	336.00	3%
Scrap metal dealer collectors licence	258.00	266.00	3%
Gambling Act 2005			
Lotteries - application fee	40.00	40.00	Set by statute, or at maximum level unless otherwise stated.
Lotteries - annual fee	20.00	20.00	
Bingo - application fee	3,500.00	3,500.00	
Bingo - annual fee	1,000.00	1,000.00	
Bingo - application to vary	1,750.00	1,750.00	
Bingo – application for transfer	1,200.00	1,200.00	
Bingo – application to reinstate	1,200.00	1,200.00	
Track betting - application fee	2,500.00	2,500.00	
Track betting - annual fee	1,000.00	1,000.00	
Track betting - application to vary	1,250.00	1,250.00	
Track betting - application to transfer	950.00	950.00	
Track betting – application to reinstate	950.00	950.00	
Betting premises - application fee	3,000.00	3,000.00	Set by statute, or at maximum level unless otherwise stated.
Betting premises - annual fee	600.00	600.00	
Betting premises - application to vary	1,500.00	1,500.00	
Betting premises - application to transfer	1,200.00	1,200.00	
Betting premises – application to reinstate	1,200.00	1,200.00	
Family entertainment centre - application fee	2,000.00	2,000.00	
Family entertainment centre - annual fee	750.00	750.00	
Family entertainment centre - application to vary	1,000.00	1,000.00	
Family entertainment centre - application to transfer	950.00	950.00	
Family entertainment centre – application to reinstate	950.00	950.00	
Adult gaming centre - application fee	2,000.00	2,000.00	Set by statute, or at maximum level unless otherwise stated.
Adult gaming centre - annual fee	1,000.00	1,000.00	
Adult gaming centre - application to vary	1,000.00	1,000.00	
Adult gaming centre - application to transfer	1,200.00	1,200.00	
Adult gaming centre – application to reinstate	1,200.00	1,200.00	
Copy of any of the above licences (lost, stolen, damaged)	25.00	25.00	
Change of Circumstance Fee (change of name, address etc)	50.00	50.00	

Notice of Intention – 2 or less gaming machines	50.00	50.00	
Licensed Premises Gaming Machine Permits – more than 2 machines	150.00	150.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Variation	100.00	100.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Transfer	25.00	25.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Annual Fee	50.00	50.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Change of Name	25.00	25.00	
Licensed Premises Gaming Machine Permits – more than 2 machines – Copy (lost, stolen, damaged)	15.00	15.00	
Club Gaming/Club Machine Permits – New/Renew	200.00	200.00	
Club Gaming/Club Machine Permits for holders of Club Premises Certificates (under LA03) – New/Renew	100.00	100.00	
Club Gaming/Club Machine Permit – Annual Fee	50.00	50.00	
Club Gaming/Club Machine Permit – Variation	100.00	100.00	
Club Gaming/Club Machine Permit – Copy (lost, stolen, damaged)	15.00	15.00	
UFEC (Unlicensed family entertainment Centre – 10 year permit)	300.00	300.00	
Prize Gaming Permit – New/Renewal	300.00	300.00	
Prize Gaming Permit – Change of Name	25.00	25.00	
Prize Gaming Permit – Copy (lost, stolen, damaged)	15.00	15.00	
Temporary Use Notice (TUN)	200.00	200.00	
Occasional Use Notice (OUN)	0.00	0.00	
Casino Small – New application	8,270.00	8,518.00	3%
Casino Small – Annual Fee	4,135.00	4,259.00	3%
Casino Small - Variation	2,756.00	2,839.00	3%
Casino Small – Application for Transfer	1,773.00	1,826.00	3%
Casino Small – application to reinstate	1,773.00	1,826.00	3%

4. Reasons

4.1 The locally set fees can be used to cover the cost of the following:

Administration – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the

costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on-costs' include travel costs and management time.

Third party costs – Some licensing processes will require third party input from experts.

Liaison with interested parties – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time referenced below.

Local democracy costs – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

Development, determination and production of licensing policies – The cost of consultation and publishing policies can be fully recovered.

Web material – The EU Services Directive requires that applications, and the associated guidance, can be made online and councils should effectively budget for this work.

Advice and guidance – This includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

5. Options Considered

- 5.1 The Council has a duty to set fees for certain regimes where the amount is not set by statute. The SEV and Scrap Metal licensing regimes, alongside part of the Gambling Act, have such fees that can be set locally. All fees set must be proportionate and seek only to recover those areas set out in statute that we may recover. If the Council chose not to set fees then the applications made under these regimes would be subsidised by tax payer funds. This option has not been considered as it is felt that applicants for licences should be able to meet the costs of any application once they have been issued with the appropriate permission.

6. Legal and Statutory Implications

6.1 Hemming v Westminster

The degree to which fees and processes are proportionate has been tested in a legal challenge brought against the fee charged by Westminster City Council for licensing sex establishments. The case established a number of key points about setting fees under the Services Directive.

In Hemming v Westminster, the Court of Appeal ruled that the fees set must not exceed the costs of administering the licensing regime. This means the council was no longer able to include the cost of enforcement against unlicensed sex establishment operators when setting the licence fee, although the cost of visits to licensed premises to monitor compliance could be recovered through fees.

The judgement found that the annual reviews conducted by an officer of Westminster City Council were no substitute for determinations by the council. The judge rejected the council's submission that the fee had been fixed on an open-ended basis in 2004 so that the fee rolled over from one year to the next. Westminster City Council was consequently ordered to repay fees charged over that period.

Annual reviews allow for the fine tuning of fees and allow councils to take steps to avoid either a surplus or deficit in future years. This will not immediately benefit licence holders where the licence has been granted for a number of years and paid for in a lump sum, but will ensure new entrants to the licensing scheme are charged appropriately.

Where fees charged result in a surplus, Hemming v Westminster stated that this surplus must be used to reduce the fees charged in the following year. It is possible to extend the reinvestment of the surplus over more than one year, but this will need careful consideration about whether contributors may leave the licensing system over that period and therefore lose out on the return. Deficits can similarly be recovered, although where there is a significant deficit, councils may want to consider how recovery can be undertaken over more than one year so as not to financially harm otherwise viable businesses.

The case of R v Tower Hamlets LBC (1994) is also relevant, as the High Court indicated that *"a council has a duty to administer its funds so as to protect the interests of what is now the body of council tax payers"*.

7. Equality Impact Assessment

7.1 Not applicable.

8. Financial and Resource Implications

8.1 Should a challenge be made in relation to the fee level as detailed in the Hemming v Westminster there could be detrimental financial implications for the Council

9. Major Risks & Mitigation

9.1 As detailed under Legal and Statutory Implications.

10. UN Sustainable Development Goals (UNSDG)

10.1



11. One Council

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

One Commercial Council: ☒

Fees have been proposed to ensure cost recovery of all relevant resources and officer time.

One Sustainable Council: ☒

These Fees & Charges are not linked to the One Sustainable Council agenda.

One Digital Council: ☒

The Council are working towards making online payments accessible and available for all fees & charges in relation to licensing regimes.

12. Key Decision Information

12.1 Not applicable.

13. Earlier Cabinet/Committee Resolutions

13.1 The Council adopted schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 on 31st March 2010 which came into effect on 3rd August 2011.

13.2 Council delegated the function of setting fees and charges to Licensing Committee on 22nd February 2017.

14. List of Appendices

14.1 None.

15. Background Papers

15.1 [LGA Guidance on Local Fee Setting.](#)

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LICENSING SUB-COMMITTEE

Monday, 11th August, 2025
Time of Commencement: 2.00 pm

[View the agenda here](#)

Present: Councillor Ruth Wright (Chair)

Councillors: J Williams G Williams

Officers: Melanie Steadman Licensing Enforcement Officer
 Anne-Marie Pollard Solicitor
 Matthew Burton Licensing Administration Team
 Robert Thomas Manager
 Environmental Health Officer

Also in attendance: The applicant and his brother

1. **APPOINTMENT OF CHAIR**

Resolved: That Cllr Wright be appointed as Chair.

2. **APOLOGIES**

All members were present.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

An application to vary the premises licence had been received on 11th March 2025 from Newcastle Pizza Limited for Caprinos on Liverpool Road. A representation was subsequently submitted in objection to the application as part of the consultation that ended on 9th April 2025.

The applicant and his brother were in attendance.

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 also considered statements from the applicant, his brother and the Environmental Protection Officer.

The Sub-Committee agreed that the timings would be granted based upon those included within the report upon which all assessments had been carried out. The conditions proposed and agreed prior to the hearing would also be imposed as they were deemed appropriate to promote the objective of prevention of public nuisance. A condition was added relating to the last food order to be taken within the premises

half an hour before the terminal hour to allow for the orders to be completed as this was a practice that the premises currently employed.

Resolved: That the licence variation be granted subject to the following timings and conditions:

Late Night Refreshment and Opening Hours:

Sunday to Thursday: 23:00 - 02:00

Friday and Saturday: 23:00 - 03:00

Conditions to be attached to the licence:

1. "No orders will be accepted in the 30 minutes prior to the terminal hour, therefore last orders will be taken Sunday to Thursday at 1:30am and Friday and Saturday 2:30am."
2. "The licensed premises will only use delivery drivers employed by the premises licence holder and training will be given to the drivers on a 6 monthly basis in relation to their impact on local residents with specific mention of the following:
 - a) Drivers will only be allowed to use the A34 for arrival and departure.
 - b) Drivers will not be allowed to use Wilton Street after midnight.
 - c) Drivers must not use the horn on their vehicle when it is stationary, in greeting or frustration or between the hours of 23:00 and 07:00.
 - d) Drivers must not play the radio or sound system on their vehicle when visiting the premises particularly when the windows of the vehicle are open and at all other times it should be at such a level that it cannot be heard from the exterior of the vehicle.
 - e) Drivers must not leave their vehicles with the engine idling outside the premises."
3. "A written record detailing the name of the delivery driver and when the training has taken place must be maintained at the licence premises for a period of 12 months and made available to the Police and Authorised Officers of the Council upon request."
4. "Prominent, clear and legible notices must be displayed at all exits requesting that customers and staff respect the needs of local residents and to leave the premises and area quietly."
5. "A Noise Management Plan (NMP) shall be in use at all times the premises is open to the public and immediately following the terminal licensing hours for a period of 30 minutes. The contents of the NMP must be approved by an authorised Environmental Health Officer prior to implementation. This noise management plan shall, as a minimum, include the noise mitigation measures contained within section 9.4 of acoustic report ref E22506, dated

12th June 2025, which was supplied in support of an application to vary the premises licence, dated 7th March, 2025. Operations shall be carried out in accordance with the noise management plan.”

6. “The oven extraction system shall be served by a silencer, fitted after the external fan, providing a minimum attenuation of 9dBA.”
7. “There will be no customer collections from the premises after 01:00 hours.”

**Councillor Ruth Wright
Chair**

Meeting concluded at 3.00 pm

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report for Public Protection and Licensing Committee – October 2025

<u>Title:</u>	Newcastle Town Centre Public Space Protection Order Renewal
<u>Submitted by:</u>	Service Director – Neighbourhood Delivery
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	Town

Purpose of the Report

This report is to;

Inform members of the historical and current issues in relation to Newcastle town centre, methods that have been used to prevent this behaviour and the proposals to deter this behaviour in future. The report also seeks approval to conduct a 12 week public consultation on for a renewed Public Space Protection Order (PSPO) for Newcastle Town Centre and the surrounding areas before returning to the committee to feedback results.

Recommendations

That Committee considers the content of this report and gives approval for Officers of the Council to conduct a 12 week public consultation for a renewed PSPO for Newcastle town centre and surrounding areas.

Reasons

- Following ongoing reports of anti-social behaviour in Newcastle town centre, the Borough Council is seeking to use its powers to impose prohibitions to tackle incidents of anti-social behaviour.
- The Committee is required to consider agreeing to the conditions of the order so that a formal consultation can be initiated.

1 Background

- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order

to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue a Fixed Penalty Notice (FPN) to discharge liability to convict (s67 & 68 of the Antisocial Behaviour, Crime and Policing act).
- 1.3 Newcastle town centre has had an active PSPO since 2019. This was reviewed in 2022. The PSPO was put in place to address concerns of crime and anti-social behaviour within the town centre, to provide a tool which could be utilised by Staffordshire Police and Newcastle-under-Lyme Borough Council officers.

Since the current Order was put in place the follow breaches have been noted (which has resulted in FPN's being served) –

2023 – 8

2024 – 16

2025 to date (July 2025) - 4

- 1.4 The main issues in Newcastle-under-Lyme town centre have been highlighted as street drinking, drug taking, aggressive and/or persistent begging, general anti-social behaviour and vandalism/defacement of property. More recently, unauthorised encampments and misuse of e-scooters have also been an issue. The PSPO is to be used as a complementary tool that can be used by Staffordshire Police or authorised officers of Newcastle-under-Lyme Borough Council to deal with crime and anti-social behaviour within the PSPO boundaries.
- 1.5 The boundaries for the PSPO area proposed have been reviewed in line with hotspot mapping of incidents reported to Staffordshire Police.

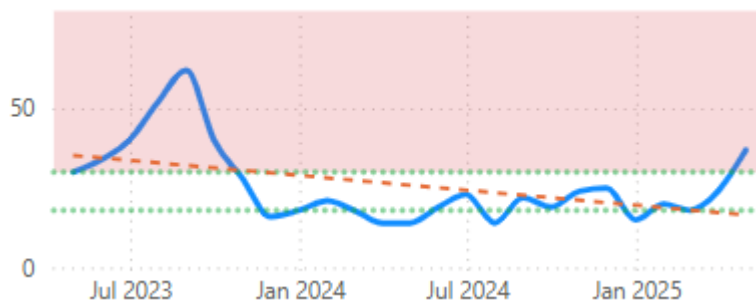
2. **Issues**

- 2.1 Newcastle town centre continues to be the hotspot for Crime and Anti-social behaviour in the Borough. The below table shows the type of incidents and the number of reports from April 2023 to April 2025.

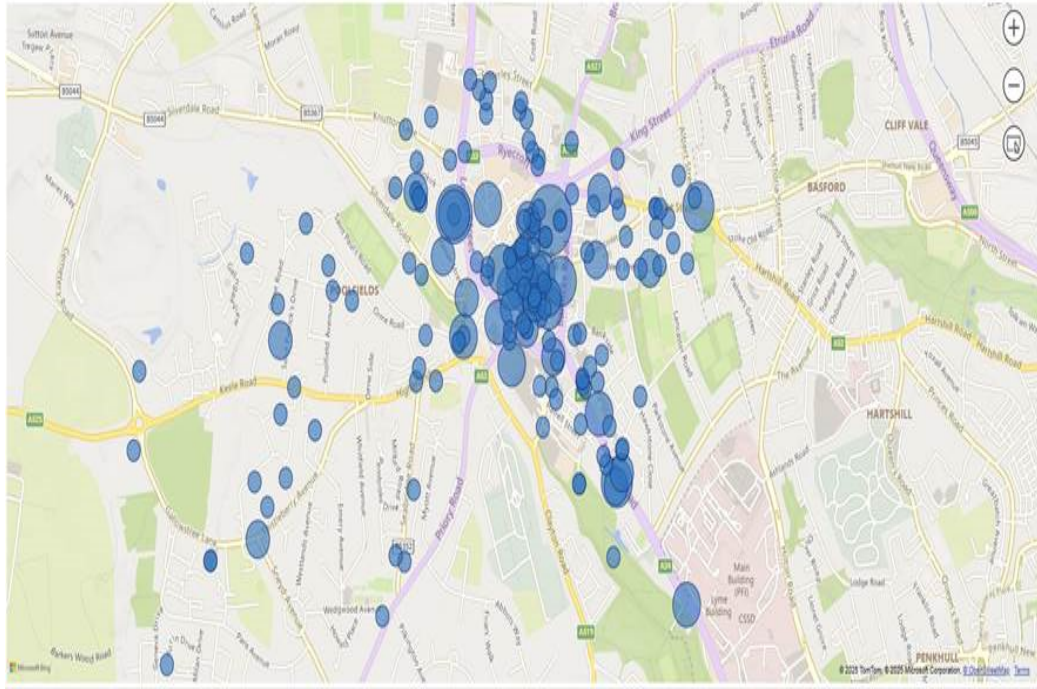
Type of incident	Number of reports (April 2023 – April 2025)
Anti-social behaviour	647

Cycle theft offences	73
Burglary	117
Criminal Damage and Arson	304
Drug offences	121
Theft	275
Possession of weapon offences	45
Public Order offences	393
Robbery offences	37
Shoplifting offences	543
Theft from person	40
Vehicle crimes	85
Violence and sexual offences	1347

There has been a decline in anti-social behaviour incidents over the past two years which falls in line with the trend across Staffordshire. The chart below shows a peak in summer 2023 – following the implementation of the PSPO but then a sharp decline following this.



The below hotspot map identifies crimes and anti-social behaviour in Newcastle Town Centre and surrounding areas. This map has been overlayed so that the proposed area for the PSPO reflects where it is needed.



3. **Proposed Prohibitions**

3.1 The proposed prohibitions for the Newcastle town centre PSPO are:

Engaging in behaviour likely to cause harassment, alarm or distress within the Exclusion Zone including:

- Congregating in a group of three or more persons within the Exclusion Zone following a request from an Authorised Person that such group must disperse.
- Being verbally abusive to any other person within the Exclusion Zone.
- Using or threatening to use violence against any other person within the Exclusion Zone.
- Having in their possession open cans, bottles or other unsealed receptacles containing alcoholic beverages (including empty receptacles) within the Exclusion Zone.
- Carrying out any form of graffiti on any surface within the Exclusion Zone.
- Possessing or using of an aerosol and/or any item intended to cause defacement within the exclusion Zone.
- Failing to cease to consume alcohol and/or surrender alcohol when requested to do so by a police officer or other authorised person.
- Any person is prohibited from riding an E-scooter (and an e-bike which does not meet the standard requirements of an Electronically Assisted Pedal Cycle). Any person may push and walk alongside their E-scooter (or non-complaint e-bike) through the exclusion zone.
- Not to consume alcohol within the exclusion zone unless within a licenced premises or within a designated area subject to a street traders licence.

- Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances including novel psychoactive substances within the Exclusion Zone.
- Persistent and aggressive begging, causing obstruction, harassment and threatening behaviour, which could cause intimidation.
- Failing to deposit litter of any form in any area other than in a designated receptacle.
- Not to urinate / defecate in public view.
- Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)
- Not to erect a temporary structure in a public place without the permission of Newcastle-under-Lyme Borough Council. Temporary structures includes but is not limited to stalls, tents, tables, trestles or leaflet stands.
- Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

4. Recommendations

- 4.1 That the Public Protection and Licensing Committee considers the content of this report and approves Officers to initiate a 12 week public consultation for the proposed PSPO renewal.

5. Options considered

5.1 Do nothing – this option would not help to address crime and anti-social behaviour in Newcastle town centre. We may also see an increase of incidents due to not having the PSPO in place as a deterrent.

5.2 Reduce the scale of the order – the proposed order would look to cover Newcastle town centre and some areas outside of the ring road. Reducing the scale of the exclusion zone may lead to incidents in other areas.

5.3 Agree the order for consultation – this will allow effective enforcement from the Community Safety Partnership who will be able to enforce the order.

6. Legal and Statutory Implications

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

7. Equality Impact Assessment

- 7.1 An Equality Risk Assessment has been refreshed detailing how PSPO's will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars.

8. Financial and Resource Implications

- 8.1 The PSPO will be managed under existing Council resources in the Neighbourhood Delivery, Legal and Finance Teams with assistance from partners such as the Police who will be identifying breaches of the PSPO and issuing FPNs as authorised persons on behalf of the Council as outlined in the PSPO Order.
- 8.2 Signage will be required on key entry points in and around the Borough. Signs will also be installed at hotspot locations.

9. Major Risks and Mitigation

- 9.1 There are no known risks or mitigations to be considered as part of this report.

10. UN Sustainable Development Goals (UNSDG)



11. Key Decision Information

- 11.1 Not Applicable

12. Earlier Cabinet/Committee Resolutions

- 12.1

13. List of Appendices

- 11.1 Appendix 1: Public Space Protection Order Newcastle Town Centre (draft Legal Order)

12. Background Papers

- 12.1 None

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PUBLIC SPACE PROTECTION ORDER NUMBER 1 OF 2026 (the “ORDER”)
AREA OF NEWCASTLE-UNDER-LYME TOWN CENTRE

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number 1 of 2026.

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

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

PROHIBITIONS:

Engaging in behaviour likely to cause harassment, alarm or distress within the Exclusion Zone including:

- Congregating in a group of three or more persons within the Exclusion Zone following a request from an Authorised Person that such group must disperse.
- Being verbally abusive to any other person within the Exclusion Zone.
- Using or threatening to use violence against any other person within the Exclusion Zone.
- Having in their possession open cans, bottles or other unsealed receptacles containing alcoholic beverages (including empty receptacles) within the Exclusion Zone.
- Carrying out any form of graffiti on any surface within the Exclusion Zone.

- Possessing or using of an aerosol and/or any item intended to cause defacement within the exclusion Zone.
- Failing to cease to consume alcohol and/or surrender alcohol when requested to do so by a police officer or other authorised person.
- Any person is prohibited from riding an E-scooter (and an e-bike which does not meet the standard requirements of an Electronically Assisted Pedal Cycle). Any person may push and walk alongside their E-scooter (or non-complaint e-bike) through the exclusion zone.
- Not to consume alcohol within the exclusion zone unless within a licenced premises or within a designated area subject to a street traders licence.
- Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances including novel psychoactive substances within the Exclusion Zone.
- Persistent and aggressive begging, causing obstruction, harassment and threatening behaviour, which could cause intimidation.
- Failing to deposit litter of any form in any area other than in a designated receptacle.
- Not to urinate / defecate in public view.
- Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)
- Not to erect a temporary structure in a public place without the permission of Newcastle-under-Lyme Borough Council. Temporary structures includes but is not limited to stalls, tents, tables, trestles or leaflet stands.
- Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

FIXED PENALTY NOTICES AND OFFENCES:

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

APPEALS

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

DEFINITION AND EXEMPTIONS:

1. Order may be cited as the '*Newcastle-under-Lyme Town Centre Anti-social Behaviour Public Spaces Protection Order*'.
2. '*Authorised Person*' a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.
3. '*Intoxicating substances*' means substances with the capacity to stimulate or depress the central nervous system but does not include tobacco, alcohol or vaporisers.
4. '*Persistent and aggressive*' in the context of begging means sitting or loitering in a public space with any receptacle used to contain monies for the purpose of begging, soliciting payment, harassing and threatening such that could cause intimidation.
5. Consuming alcohol in breach of a PSPO is not an offence under S.67 of the Act. However, under S.63 of the Act it is an offence to fail to comply with a request by a Police Officer or an Authorised Person to cease drinking or surrender alcohol that a person has been or intends to drink in breach of the prohibition in the PSPO. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

RESTRICTIONS AND PENALTY:

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

APPENDIX:

A street plan of Newcastle-under-Lyme Borough Council, Area of Newcastle Town Centre showing the Exclusion Zone edged in red.

Given under the Common Seal of

APPENDIX 1

Newcastle-under-Lyme Borough Council
On the

.....day of2019

THE COMMON SEAL of the
COUNCIL

Was hereunto affixed
In the presence of:

..... Authorised Officer

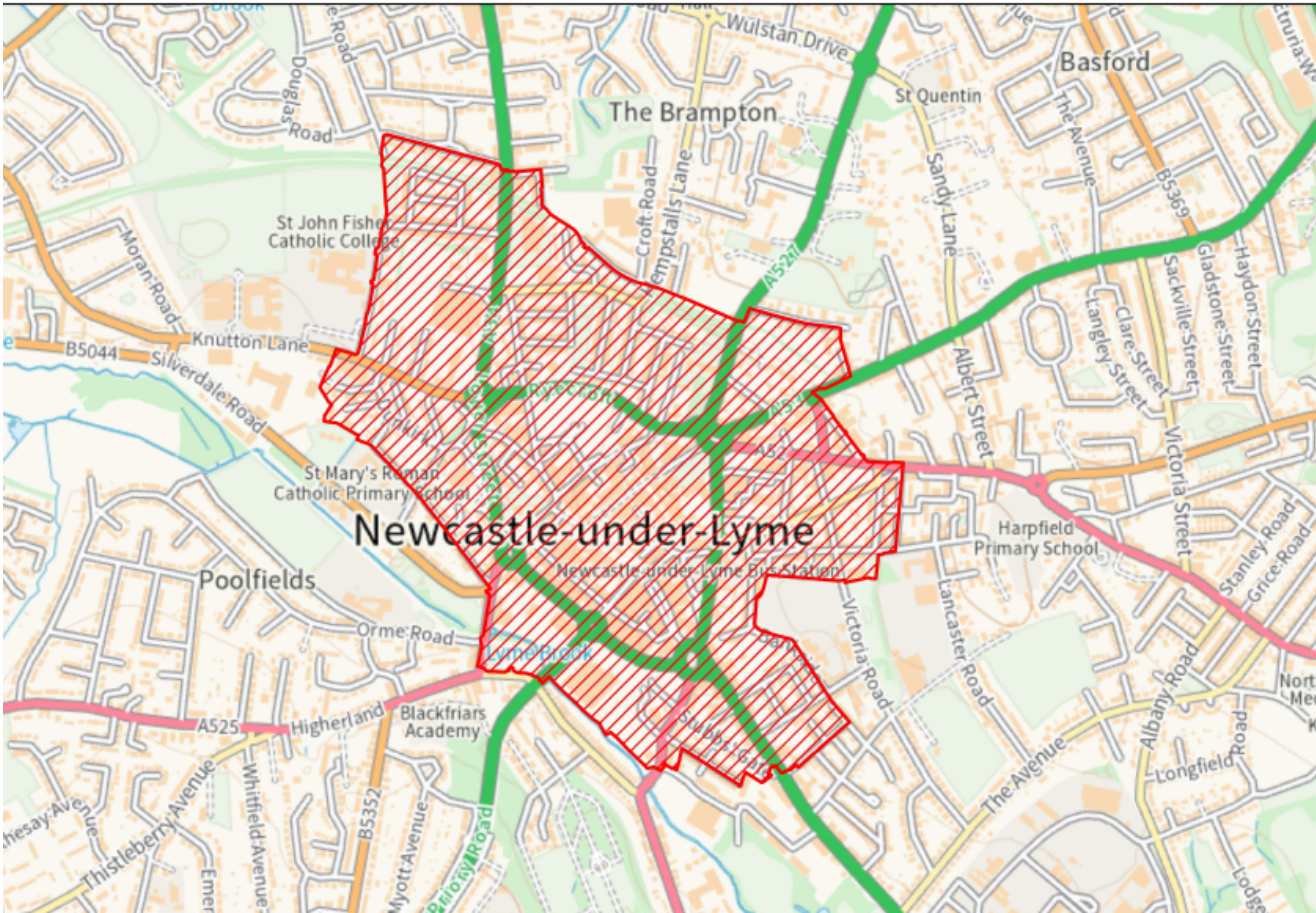
..... Designation

DRAFT

APPENDIX 1

PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2022 (the “ORDER”)

AREA OF NEWCASTLE-UNDER-LYME TOWN CENTRE (“the Exclusion Zone”)



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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO

Licensing and Public Protection Committee
8 October 2025

Report Title: Private Hire & Hackney Carriage Fees & Charges 2026/2027

Submitted by: Service Director - Regulatory Services & Licensing Lead Officer

Portfolios: Finance, Town Centre & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To request the Public Protection Committee to consider the proposed taxi and private hire fees prior to consultation, as referred to in the report.	
<u>Recommendation</u> That Committee: a) That the Public Protection Committee considers the proposed fees. b) That the proposed fees be sent out for consultation. c) That following consultation a further report is brought to Committee.	
<u>Reasons</u> Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to Public Protection Committee.	

1. **Background**

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

2. **Issues**

- 2.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states the local authority may charge fees for Operator and Vehicle licence fees and that if it is proposing to vary the fees then it must publish a notice in at least one local newspaper. The notice must provide for a consultation period, not less than 28 days from first publication to allow for objections to be made. This notice must also be displayed at the Council offices.

2.2 Section 53(2) of the Local Government (Miscellaneous Provisions) Act 1976 states the local authority may charge fees for Driver licence fees. Consultation is not required by legislation but is considered good practice to consult alongside any changes to Operator and Vehicle licence fees.

2.3 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators.

Section 10, subsection 2 of the Deregulation Act 2015 changed the law in such a way as to establish a standard duration of three years for hackney carriage and private hire driver licences. The section specifies that a licence may be granted for a period of less than three year but only in circumstances of an individual case, not because of a blanket policy.

Subsection 3 of the Act changed the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of blanket policy.

2.4 The European Services Directive states (Art 12.2):

“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

2.5 In December 2019 the Court of Appeal in the case “*R (on the application of Abdul Rehman, on behalf of the Wakefield District hackney Carriage and Private Hire Association) v The Council of the City of Wakefield and The Local Government Association (Intervening) [2019] EWCA Civ 2166*” confirmed that there is no general principle that the taxi licensing fee regime should be self-financing and that the costs associated to enforcing the behaviour of licensed drivers could be recovered via the licence fee set under s53(2) LGMPA76. The judgement stated (para 46):

“In any event, we consider that the costs of enforcing the behaviour of licensed drivers can be recovered through the driver’s licence fee under section 53(2). The relevant words in that provision are “the costs of issue and administration”. The costs of “administration” must be something other than, and in addition to, the costs of “issue”. There is no difficulty in interpreting “administration” in its statutory context as extending to administration of the licence after it has been issued. It naturally includes the costs of suspension and revocation, which are events expressly mentioned in Part II of the 1976 Act. Suspension and revocation rest on non-compliance with the requirements and conditions for continuing to hold the licence. As we have said, it would therefore have been obvious to Parliament, when enacting the 1976 Act, that costs would be incurred by the district council in monitoring compliance with such requirements and conditions.”

3. Recommendation

3.1 In January 2025 the Committee determined to agree the proposed fees for 2025-26 following public consultation. The Licensing Department have undergone the annual review and fee setting methodology to propose fees for 2026-27. The table at 3.2 shows:

Column a – The licence/process the fee is for;
 Column b – The current fee structure;
 Column c – The proposed fees for 2026-27; and
 Column d – the actual difference between columns b (current) and c (proposed).
 Column e - the percentage difference between columns b (current) and c (proposed).

3.2 The proposed fees and charges are:

a	b	c	d	e
Private Hire/Hackney Carriage (subject to consultation)	Fee/Charge 2025-26 (£)	Proposed Fee/Charge 2026-27 (£)	Actual change (£)	% Change
<u>OPERATORS</u>				
PHO Application fee	£330.00	£319.00	£11.00	-3.33%
Add/Remove Director	£46.00	£49.00	£3.00	6.52%
Copy/Replacement Licence	£8.00	£9.00	£1.00	12.50%
Basic DBS	£18.00	£21.50	£3.50	19.44%
Director/Licence holder - Change of home address	£18.00	£19.00	£1.00	5.56%
Exemption Request	£51.00	£54.00	£3.00	5.88%
<u>DRIVERS</u>				
Dual Driver Badge - 3 years	£261.00	£261.00	£0.00	0.00%
Change of address	£18.00	£19.00	£1.00	5.56%
Replacement badge (vehicle or driver copy)	£16.00	£17.00	£1.00	6.25%
Reissue/replacement badge (with amended details)	£33.00	£34.00	£1.00	3.03%
DBS (CRB check)	£38.00	£49.50	£11.50	30.26%
DBS (CRB check) online	£64.34	£75.84	£11.50	17.87%
Exemption certificates	£16.00	£17.00	£1.00	6.25%
Knowledge test	£13.00	£11.00	£2.00	-15.38%
Fail to attend Knowledge Test	£13.00	£11.00	£2.00	-15.38%
Change of Name	£22.00	£23.00	£1.00	4.55%
DE Training replacement cert	£0.00	£0.00	£0.00	0.00%
Copy of Paper Licence	£8.00	£9.00	£1.00	12.50%
Disability & Safeguarding Training	£40+VAT	£48.00	£0.00	0.00%
Exemption Request	£51.00	£54.00	£3.00	5.88%
Application Support appointment	£18.00	£19.00	£1.00	5.56%
<u>VEHICLES</u>				
HCV application fee	£193.00	£202.00	£9.00	4.66%
PHV application fee	£182.00	£188.00	£6.00	3.30%
Transfer of vehicle	£46.00	£49.00	£3.00	6.52%
Change of vehicle registration	£54.00	£56.00	£2.00	3.70%

Failure to attend for vehicle test	£76.00	£84.00	£8.00	10.53%
Retest	£32.00	£35.00	£3.00	9.38%
Replacement plate carrier – front	£11.00	£12.00	£1.00	9.09%
Replacement plate carrier – rear	£14.00	£14.00	£0.00	0.00%
Replacement vehicle plate - front	£9.00	£10.00	£1.00	11.11%
Replacement vehicle plate - rear	£13.00	£13.00	£0.00	0.00%
Replacement vehicle sticker signage	£6.00	£7.00	£1.00	16.67%
Copy of paper part of licence	£8.00	£9.00	£1.00	12.50%
Change of Vehicle Colour	£54.00	£56.00	£2.00	3.70%
HCV/PHV safety test	£82.00	£85.00	£3.00	3.66%
Basic DBS	£18.00	£21.50	£3.50	19.44%
Change of Name/Address	£46.00	£49.00	£3.00	6.52%
Spot check	£23.00	£24.00	£1.00	4.35%
Replacement Internal Plate	£8.00	£9.00	£1.00	12.50%
Exemption Request	£51.00	£54.00	£3.00	5.88%
PHV change of base	£18.00	£19.00	£1.00	5.56%
Copy of HCV Tariff sheet	£3.00	£3.00	£0.00	0.00%

3.3 It is recommended that the fees are set in line with the provisions of the 1976 Act, the Local Government Association fee setting guidance, the Council's taxi licensing policy and the principles outlined in section 8.3 below.

3.4 The rows that are in bold font are externally set; the Council has no authority in relation to the setting of them.

3.5 With the majority of fees there is a proposal for a slight increase in real terms that reflects a small monetary increase on a low fee (e.g. replacement of an internal plate increasing from £8.00 to £9.00, a 12.50% increase). It should be noted that the Council are proposing to reduce the private hire operator application fee and retain the current driver application fee. This is down to a balance of the increase in Council costs and efficiencies realised as part of the One Council project.

3.6 There is a proposal to decrease the taxi knowledge test fee. This is due to the previous fees having included the costs of the testing and security software. The test has now been moved to an internal programme and as such the Council are now longer paying for external software.

4. Reasons

- 4.1 a) That the Public Protection Committee considers the proposed fees.
- b) That the proposed fees be sent out for consultation.
- c) That following consultation a further report is brought to Committee.

5. Options Considered

- 5.1 The Council is required to set fees for private hire and hackney carriage licenses for 2026/2027. The fees proposed are based on cost recovery.

6. Legal and Statutory Implications

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 contains the legal provisions and process relating to the setting of fees, this is detailed in sections 2.1-2.3 of this report.

7. Equality Impact Assessment

7.1 Not applicable

8. Financial and Resource Implications

8.1 The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, sections 53(2) and 70.

8.2 There will be financial implications for the Council if full cost recovery is not achieved.

8.3 The fees can be used to cover the cost of the following:

Administration – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on-costs' include travel costs and management time.

Third party costs – Some licensing processes will require third party input from experts.

Liaison with interested parties – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time referenced below.

Local democracy costs – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

Development, determination and production of licensing policies – The cost of consultation and publishing policies can be fully recovered.

Advice and guidance – This includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

Enforcement – This includes action required when investigating and enforcing against licensed drivers, vehicle proprietors and private hire operators.

9. **Major Risks & Mitigation**

- 9.1 The Council will be open to challenge should the calculation of the fees and charges prove to be contrary to the Act.
- 9.2 Judicial Review of a decision may be made on the following grounds:
- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
 - Wednesbury rules – decision was unreasonable or irrational

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

10.1



11. **One Council**

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

One Commercial Council: ☒

Fees have been proposed to ensure cost recovery of all relevant resources and officer time.

One Sustainable Council: ☒

These Fees & Charges are not linked to the One Sustainable Council agenda.

One Digital Council: ☒

The Council are working towards making online payments accessible and available for all fees & charges in relation to licensing regimes.

12. **Key Decision Information**

12.1 Not applicable

13. **Earlier Cabinet/Committee Resolutions**

13.1 22nd February 2017 – Full Council

14. **List of Appendices**

14.1 Not applicable

15. **Background Papers**

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

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S REPORT TO PUBLIC PROTECTION COMMITTEE

8 October 2025

Report Title: Update on results of Taxi Licensing Appeals

Submitted by: Service Director - Regulatory Services & Licensing Lead Officer

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 17th September 2024 the Council has been involved in seven Magistrates' Court appeals and one Crown Court appeal. Five of the Magistrates' appeals, and the Crown Court appeal were withdrawn in advance of the Court dates for the below reasons:
 - The Public Protection Sub-Committee's determination to reinstate a licence due to evidence provided by the appellant;
 - To allow for a new application to be made and a fresh decision to be taken in relation to an individual's fitness and propriety for a licence;

- The appellant was prosecuted for the offence, that the original allegation and decision had been taken on, meaning they had no prospect of being successful; and
- Three were due to the Licensing Department serving additional evidence to support the original decision and action being taken, causing the appellant to determine it was in their best interests to not pursue their appeals. In the Crown Court matter this resulted in the costs order made by the Magistrates' at an earlier appeal for a total of £2816.00 coming into force.

2.2 Out of the two remaining appeals one was upheld, and one was dismissed.

2.3 The appeal that was upheld was in relation to a case originating in late 2022 and a decision taken in the middle of 2023 to revoke a driver licence. The matter had been adjourned by the Court on a number of occasions and was finally heard in May 2025. The Court were concerned with the nature of the relevant safeguarding incident but satisfied with the actions of the individual in the aftermath, and that there had been no further transgressions or concerns in the intervening 2.5 years. The Court were content that the decision at the time was correct but given the time elapsed since it would not be if made now.

2.4 The appeal that was dismissed was in relation to a motoring offence in 2021 that led to a revocation decision of a driver licence. The Court accepted the Council's evidence and found the appellant's evidence to be contradictory and with little acceptance of guilt. The Council were awarded a contribution of £700.00 to costs to legal costs incurred. The appellant has subsequently appealed to the Crown Court.

2.5 At the time of the report being written the Council have seven outstanding appeals to defend in the Magistrates' Court and one in the Crown Court. Four of the ongoing Magistrates' court appeals have been adjourned previously.

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. **One Council**

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

One Commercial Council: ☒

The Council seeks to recover all costs when defending appeals in order that all legal and officer costs are met by the appellant and not the central funds.

One Sustainable Council: ☒

The appeals have no relationship to the Council's sustainability programme.

One Digital Council: ☐

The appeals have no relationship to the Council's digital programme.

12. **Key Decision Information**

- 12.1 Not applicable.

13. **Earlier Cabinet/Committee Resolutions**

- 13.1 Not applicable.

14. **List of Appendices**

- 14.1 None.

15. **Background Papers**

- 15.1 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'S REPORT TO

Licensing and Public Protection Committee

8 October 2025

Report Title: Environment Act 1995 – Part IV Local Air Quality Management – Annual Status Report 2025

Submitted by: 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"/>
To advise on the findings of air quality in Newcastle Under-Lyme Borough Council (NULBC), and the annual status report submitted to the Department for Environment, Food, and Rural Affairs (DEFRA), which covers the 2024 calendar year in respect of air quality within the Borough.			
<u>Recommendation</u>			
That Members receive the Annual status report 2025.			
<u>Reasons</u>			
To inform committee of the state of local air quality within the Borough for the 2024 calendar year and action being taken to monitor and improve local air quality in respect of transport related Nitrogen Dioxide levels and also particulate matter exposure. The 2025 Annual Status Report (ASR), in fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management, as amended by the Environment Act 2021. DEFRA have accepted the report.			

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 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. The review process aims to make sure that the national Air Quality Objectives prescribed in the Air Quality Regulations

[Air Quality Objectives Update.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.

2. **Issues**

- 2.1 In accordance with its statutory duties, the Borough Council has submitted its Annual Status Reports for 2025 which is a retrospective review of air quality within the Borough for the preceding calendar year. A copy of this report can be found online at [Air quality management – Newcastle-under-Lyme Borough Council](#)
- 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
- 2.3 This ASR'S consider all new monitoring data and assesses the data against the Air Quality Strategy (AQS) objectives. It also considers any changes that may have an impact on air quality.
- 2.4 The review of nitrogen dioxide diffusion tube monitoring data has not identified any locations outside of the one remaining Air Quality Management Area (AQMA), declared in December 2014 within the Borough where the AQS annual NO₂ objective was exceeded in 2024.
- 2.5 Monitoring of NO₂ concentration in the AQMA's and at a variety of locations across the Borough during 2024 shows, that there has been a general decrease in NO₂, with the majority of areas now being under the annual mean objective.

Town Centre AQMA

- 2.6 Air Quality in this area is influenced by local road traffic and traffic utilising the major arterial routes, which converge on the town centre. There are a number of relevant receptors where the objective applies located at the back of pavement. The network is heavily congested at peak times of the day with high volumes of low-speed mixed stop start traffic. The location of this AMQA can be found online at https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=170
- 2.7 Part of the AQMA, the A53 corridor from Sandy Lane to Etruria Roundabout, is covered by two ministerial directions relating to exceedances of the EU NO₂ annual mean limit value. The related work and actions, although discussed in the ASR, do not form part of the of the statutory LAQM function because of the differing criteria for measurement locations.
- 2.8 The town centre is experiencing a period of regeneration with provision for developments to provide additional residential units in the coming years. In addition, a number of office spaces can covert to residential use, without requiring consideration of air quality. This has resulted in significant increases in the numbers of relevant receptors within the area where the Council is unable to influence development.
- 2.9 The rural areas of the Borough are facing increased demands for applications for residential development, with people in these areas heavily reliant on cars to access services and employment opportunities within the town centre and wider areas.
- 2.10 Whilst the air quality of some areas remains of concern, only one location, was identified as being in exceedance of any of the Air Quality Objectives in 2024 and only one location, was identified as being within 10% of the annual NO₂ mean objective in 2024. Both are located within AQMA 2 – Town Centre. This is shown in the figure below:

Figure A-2) Trends in annual mean NO₂ concentrations 2020 to 2024 – AQMA 2 Newcastle under Lyme (Town Centre and A53 Corridor)

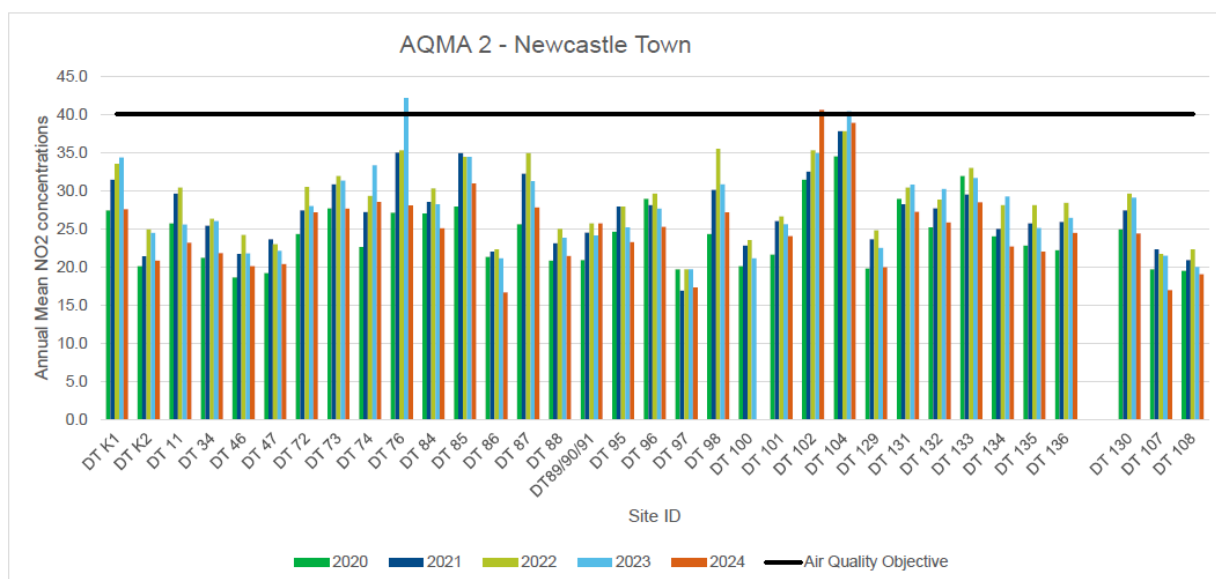


Figure A.2 presents NO₂ annual mean concentrations for sites within AQMA 2 – Newcastle Town between years 2020 to 2024. The monitoring locations are shown within figure D9 and figure D10. Note: DT107, DT108 and DT130 are not located within the AQMA but are in close proximity to it.

- 2.11 Accordingly, this AQMA is required to remain in place until all sites measure an annual mean NO₂ concentration that is consistently below the NO₂ annual mean legal objective for five years running, we will also maintain our monitoring network and undertake a review of the measures within the associated air quality action plan.

Porthill-Wolstanton-Maybank AQMA

- 2.12 Based on the monitoring results, Committee approved the revocation of this AQMA, this will be reflected in the 2026 Annual Status Report.

Kidsgrove AQMA

- 2.13 Based on the monitoring results, Committee approved the revocation of this AQMA, this will be reflected in the 2026 Annual Status Report.

Little Madeley AQMA

- 2.14 Based on the monitoring results, Committee approved the revocation of this AQMA, which has been accepted by DEFRA.

Wider Borough – Outside AQMA's

- 2.15 There has been a general decrease in the annual NO₂ concentrations across the Borough over the past five years and no new areas of actual or at risk of exceedance have been identified.
- 2.16 We will continue to undertake monitoring and screening of activities across the wider Borough.

Particulate Matter (PM₁₀ and PM_{2.5})

2.17 Particulate matter, or PM, is the term used to describe particles found in the air, including dust, dirt and liquid droplets. PM comes from both natural and man-made sources including traffic emissions, burning and Saharan-Sahel dust. These particles can be suspended in the air for long periods of time and can travel across large distances. PM can aggravate lungs, with the finer fractions, PM_{2.5} and below being able to pass from the lungs into the blood stream, potentially leading to a wide range of health effects including premature mortality, allergic reactions, and cardiovascular diseases.

2.18 The 2021 Environment Act saw the UK Government formally declare a PM_{2.5} limit based on WHO recommendations and which is more stringent than current EU requirements. Analysis of data from DEFRA and monitoring undertaken for Walleys Quarry does not show any background exceedances or monitored actual exceedances within the Borough.

3. Recommendation

3.1 That Members receive the Annual status report 2025.

4. Reasons

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 To receive the annual status report 2025 **(RECOMMENDED)**

5.2 To make amendments to the proposed report and resubmit to DEFRA for further review.

6. Legal and Statutory Implications

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

7. Equality Impact Assessment

7.1 There are no impacts identified arising from this report.

8. Financial and Resource Implications

8.1 There are no impacts identified arising from this report.

9. Major Risks & Mitigation

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.

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: ☐

We will make investment to diversify our income and think entrepreneurially.

One Sustainable Council: ☒

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle

One Digital Council: ☒

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

12. Key Decision Information

12.1 This is not a key decision.

13. Earlier Cabinet/Committee Resolutions

13.1 There are none relating to this item.

14. List of Appendices

14.1 The Annual Status Report 2022 and 2023 are available to view online at <https://www.newcastlestaffs.gov.uk/all-services/environment/environmental-protection/air-quality-newcastleunder-lyme>

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

15. Background Papers

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

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

15.3 Air Quality Reports completed available from <https://www.newcastlestaffs.gov.uk/protection/air-quality-management/>

Public Document Pack Agenda Item 12

Public Protection Sub-Committee - 13/08/25

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 13th August, 2025
Time of Commencement: 6.10 pm

[View the agenda here](#)

Present: Councillor Rupert Adcock (Chair)

Councillors: Dymond Wilkes G Williams

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

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 of the likelihood of disclosure of exempt information as defined in paragraphs 1, 2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972.

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

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

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 suspended until the applicant successfully passes the Council's in-house Taxi Knowledge Test.

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

The Sub-Committee had been informed of a relevant matter which fell outside of Council Policy. The applicant failed to attend, and the Sub-Committee subsequently agreed as follows.

Resolved: That the decision be adjourned until the next meeting of the Sub-Committee scheduled on Wednesday 17th September 2025 at 2pm.

Public Protection Sub-Committee - 13/08/25

6. URGENT BUSINESS

There was no urgent business.

**Councillor Rupert Adcock
Chair**

Meeting concluded at 6.50 pm

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 17th September, 2025

Time of Commencement: 2.05 pm

[View the agenda here](#)

Present: Deputy Mayor. Councillor Joan Whieldon (Chair)

Councillors: Heesom Skelding

Apologies: Councillor(s) Wright

Officers: Matthew Burton Licensing Lead Officer
Anne-Marie Pollard Solicitor
Melanie Steadman Licensing Enforcement Officer

1. APOLOGIES

Apologies were shared as listed above.

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 due to the likelihood of disclosure of exempt information as defined in paragraphs 1, 2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972.

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

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

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 Driver Licence be suspended for a period of 4 months and the driver be required to pass the Taxi Knowledge Test. If unable to complete the test within the 4-month period, that the suspension continue until the driver passes.

5. URGENT BUSINESS

There was no urgent business.

Public Protection Sub-Committee - 17/09/25

**Deputy Mayor. Councillor Joan Whieldon
Chair**

Meeting concluded at 3.00 pm