

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 4th August, 2020
Time of Commencement: 7.10 pm

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|---------------------|--|--|
| Present: | Councillor Mark Olszewski (Chair) | |
| Councillors: | Julie Cooper Graham Hutton Stephen Sweeney | Gary White Mrs Gill Heesom |
| Officers: | David Beardmore | Environmental Health Team Manager |
| | Matthew Burton | Licensing Administration Team Manager |
| | Nesta Barker | Head of Environmental Health Services |
| | Anne-Marie Pollard | Solicitor |
| | Denise French | Democratic Services Team Leader |

Also in attendance:

13. **DISCLOSURE OF EXEMPT INFORMATION**

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

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

Resolved: That the Minutes of the meetings held on 6 May, 27 May, 17 June and 8 July be received.

15. **APOLOGIES**

Apologies for absence were received from Councillor J Waring with Councillor Julie Cooper attending as substitute and Councillor T Kearon.

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

There were no declarations of interest stated.

17. **MINUTES OF PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 27 April be agreed as a correct record.

18. DRAFT STATEMENT OF LICENSING POLICY 2020/25

The Committee considered the draft Statement of Licensing Policy. It was a requirement under the Licensing Act 2003 that the Policy was reviewed by January 2021 and thereafter every 5 years. Once the draft was approved by this Committee a 6 week consultation period would be undertaken. Any comments would be reported back to this Committee in October and the Council would be recommended to adopt the revised statement on 18 November 2020.

Resolved: that the draft Statement of Licensing Policy be approved for public consultation.

19. BUSINESS AND PLANNING ACT 2020

The Committee considered a report on the detail of the new Business and Planning Act 2020 which placed responsibility to the Council for processing and issuing pavement licenses and to make amendments regarding alcohol off-sales. The detail of the provisions were outlined and were designed to support businesses that sold food and drink. The Act introduced a new 10 working day determination period and a cap on the application fee.

The full list of 22 conditions was outlined; the Committee was informed of the comments of the Police who were supportive of the conditions particularly those relating to the time at which the pavement area must cease and no use of glass bottles or drinking vessels beyond 20.00 hours.

Resolved: That

- (a) The standard duration for pavement licenses be for 1 year or expiry on 30 September 2021 whichever is soonest;
- (b) The fee for the granting of a Pavement Licence be waived;
- (c) Enforcement of the provisions be undertaken in accordance with the Corporate Enforcement Policy;
- (d) All the licensing functions, powers and duties contained within the Business and Planning Act 2020 be delegated to the Executive Director – Operational Services; and
- (e) The proposed conditions be agreed and approved for Pavement Licenses issued by the Borough Council and these conditions be published as guidance for applicants, consultees and members of the public.

20. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

There were no declarations of interest stated.

21. DOG CONTROLS, PUBLIC SPACES PROTECTION ORDER REVIEW

The Committee considered a report outlining proposals for a public consultation regarding a planned extension to the dog Controls Public Spaces Protection Order for a further 3 years.

The current order came into force on 21st October 2017 and was valid for 3 years; it covered a range of items including a requirement to remove dog fouling and an obligation to have a bag available for removal of fouling; locations where dogs were not permitted and sites where dogs must be on a lead. It was proposed that a 6 week consultation period be entered into regarding extending the current Order without revision, for a further 3 year period.

Resolved: that:

- (a) a 6 week period of public consultation be approved on the proposed extension of the current Public Spaces Protection Order; and
- (b) a further report be made to the Committee following the public consultation period to consider feedback and whether the Order should be extended, varied or discharged.

22. SCHEME UPDATES: (A) TOWN CENTRE HACKNEY CARRIAGE MARSHALLING & (B) USE OF THE BUS STATION FOR PRIVATE HIRE VEHICLES

The Committee considered a report updating on schemes:

- (a) Town Centre Hackney Carriage Marshalling; and
- (b) Use of Bus Station for Private Hire Vehicles.

The report outlined the background to the schemes which had both run for around 10 years. New road layouts and Traffic Regulation Orders would now remove the need for Traffic Marshalls. The use of the bus station site by Private Hire operators needed review due to reduced use and legal precedent.

Resolved: that

- (a) The Council will have no further involvement with the Newcastle and Kidsgrove Hackney Association rank marshalling scheme; and
- (b) The Executive Director – Commercial Development & Economic Growth be given approval to review the use of the bus station site and set new conditions for its future night time use by Private Hire operators including charges if appropriate.

23. ENVIRONMENTAL ACT 1995 - PART (IV) LOCAL AIR QUALITY MANAGEMENT - ANNUAL STATUS REPORT 2020

The Committee considered a report of the findings on air quality across the Borough for 2019 as outlined in the statutory Annual Status Report.

The Head of Environmental Health explained that the pollutant of concern was Nitrogen Dioxide (NO₂). Monitoring showed a decreasing trend but a number of areas had levels of NO₂ above the annual mean objective level. There were 4 areas in Newcastle town that would remain Air Quality Management Areas. Members asked about the impact of Covid-19 which had seen reduced traffic levels. The Head of Environmental Health said it was assumed that levels would return to their pre Covid-19 level as seen in other areas of the country.

Members asked whether the introduction of double yellow lines on the A34 location had helped to reduce levels; this would be investigated and a response circulated to the Committee outside the meeting.

Resolved: that

- (a) The report be received; and
- (b) The information regarding parking restrictions on the A34 be circulated to Members separately.

24. **URGENT BUSINESS**

There was no urgent business.

Chair

Meeting concluded at 8.10 pm