

LICENSING & PUBLIC PROTECTION COMMITTEE

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

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Present: Councillor Andrew Parker (Chair)

Councillors: Sweeney Wright Brown
Heesom J Williams
Skelding G Williams

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

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

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

1. DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS

There were no declarations of interest stated.

2. MINUTES OF A PREVIOUS MEETING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There were no declarations of interest stated.

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

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

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

Appendix A showed a draft copy of the Order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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9. MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS

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

10. DISCLOSURE OF EXEMPT INFORMATION

There were no confidential items.

11. URGENT BUSINESS

There was no urgent business.

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**Councillor Andrew Parker
Chair**

Meeting concluded at 8.11 pm