



Leicester  
City Council

## **MEETING OF THE LICENSING AND PUBLIC SAFETY COMMITTEE**

**DATE: TUESDAY, 11 MARCH 2025**

**TIME: 5:30 pm**

**PLACE: Meeting Room G.01, Ground Floor, City Hall, 115 Charles Street, Leicester, LE1 1FZ**

### **Members of the Committee**

Councillor Singh Johal – Vice Chair

Councillor Byrne – Co-Vice Chair

Councillor Pickering – Co-Vice Chair

Councillors Adatia, Aldred, Barton, Bonham, Cank, Chauhan, Cole, Joshi, Karavadra, Kennedy-Lount and Kitterick

One unallocated Labour Group place

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

**Officer contact : Katie Jordan**

Governance Services

Leicester City Council

City Hall, 115 Charles Street, Leicester, LE1 1FZ

Email: [governance@leicester.gov.uk](mailto:governance@leicester.gov.uk)

## Information for members of the public

### Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings, and Scrutiny Commissions and see copies of agendas and minutes. However, on occasion, meetings may, for reasons set out in law, need to consider some items in private.

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### Further information

If you have any queries about any of the above or the business to be discussed, please contact Katie Jordan, **Governance Services on (0116) 454 2616 or email [governance@leicester.gov.uk](mailto:governance@leicester.gov.uk)**

For Press Enquiries - please phone the **Communications Unit on 454 4151**

## **PUBLIC SESSION**

### **AGENDA**

#### **FIRE / EMERGENCY EVACUATION**

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#### **1. APOLOGIES FOR ABSENCE**

#### **2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business on the agenda.

#### **3. MINUTES OF PREVIOUS MEETING**

**(Pages 1 - 4)**

The minutes of the meeting held on 3<sup>rd</sup> September 2024 have been circulated and the Committee will be asked to confirm them as a correct record.

#### **4. PETITIONS**

The Monitoring Officer to report on the receipt of any petitions submitted in accordance with the Council's procedures.

#### **5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

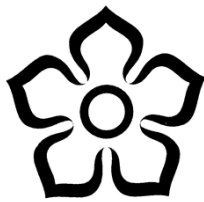
The Monitoring Officer to report on the receipt of any questions, representations and statements of case submitted in accordance with the Council's procedures.

#### **6. ROLES AND RESPONSIBILITIES OF COUNCILLORS ON A LICENSING HEARINGS COMMITTEE AND PROGRAMME OF ASSISTANCE**

**(Pages 5 - 10)**

The Director of Neighbourhood and Environmental Services submits a report to outline the roles and responsibilities of councillors on Licensing Hearings Committees under the Licensing Act 2003.

**7. ANY OTHER URGENT BUSINESS**



Leicester  
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# Appendix A

## Minutes of the Meeting of the LICENSING AND PUBLIC SAFETY COMMITTEE

Held: TUESDAY, 3 SEPTEMBER 2024 at 5:30 pm

### P R E S E N T:

Councillor Singh Johal (Chair)  
Councillor Pickering (Vice Chair)

Councillor Adatia  
Councillor Dr Barton  
Councillor Chauhan

Councillor Joshi  
Councillor Karavadra  
Councillor Kennedy-Lount

Councillor Kitterick

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### **1. APOLOGIES FOR ABSENCE**

None were received.

### **2. DECLARATIONS OF INTEREST**

Councillor Kitterick declared an Other Disclosable Interest related to Gambling Act 2005 Review of Policy and chose not to participate for the item.

Councillor Kennedy-Lount declared he had an online gambling account.

### **3. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting held on 30<sup>th</sup> April 2024 be approved as a correct record.

### **4. PETITIONS**

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

## **5. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

## **6. GAMBLING ACT 2005- REVIEW OF POLICY**

The Director of Neighbourhood and Environmental Services submits a report on a review of policy, for the Gambling Act 2005.

The Licensing Manager presented the report, it was noted that:

- The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council was required to publish its Gambling Policy for 2025-2028 no later than 3rd January 2025.
- The current policy had not caused any problems since it came into effect in February 2022. However slight amendments had been made to reflect address changes for the Licensing Authority and a new section had been added to include information from the Public Health Team and their findings in their recent 'Gambling Harms Needs Assessment'. Applicants were asked to take this into account when submitting their applications.
- The consultation was available online via the Councils' Consultation Hub. The link for which had been circulated by email and post to all existing licence holders and stakeholders including industry representatives
- The consultation had taken place between 12th July 2024 and 18th August 2024.
- 23 responses to the consultation had been received.

In discussions with Members it was noted that:

- More engagement needed to be made with Faith Groups. Responses had been received from Churches with permits.
- Very few premises in Leicester have a gambling profile, compared to other Local Authorities.
- It was expected that the Gambling Authority would rewrite their guidance to protect areas from disturbance from 24 hour gambling premises and alcohol use. This would be similar to the Cumulative Impact Zone (CIZ) guidance.

**RESOLVED:**

1. That Members note the content of the report.
2. For the Licensing Team to engage with the Council of Faiths to reach out to their Members for future consultations.
3. A report on the Gambling Commission to come to a future

meeting.

**7. ANY OTHER URGENT BUSINESS**

Members would like the option of holding remote Licensing Hearings to be discussed at the next meeting.

With there being no further business, the meeting closed at 5.32pm.





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## **Roles and Responsibilities of Councillors on a Licensing Hearings Committee and Programme of assistance**

Licensing & Public Safety Committee

Decision to be taken by: Licensing & Public Safety  
Committee

Date of meeting: 11<sup>th</sup> March 2025

Lead director/officer: Sean Atterbury, Director of  
Neighbourhood and Environmental Services

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## Useful information

- Ward(s) affected: All
- Report author: Tj Mavani, Service Manager, Regulatory Services
- Author contact details: tj.mavani@leicester.gov.uk
- Report version number: 1

### 1. Summary

- 1.1 The report outlines the roles and responsibilities of councillors on Licensing Hearings Committees under the Licensing Act 2003, emphasizing the need for availability and adherence to statutory deadlines. Councillors must act impartially, base decisions on evidence, and comply with Section 182 Guidance to uphold licensing objectives. Failure to meet deadlines may lead to automatic approvals, legal challenges, and diminished public confidence.
- 1.2 To support councillors, hybrid training and chairing skills development will be introduced, alongside the potential implementation of remote hearings to improve accessibility and efficiency.
- 1.3 To further alleviate pressures on Licensing Committees, the local authority will reassess which cases require committee hearings, ensuring only complex or high-impact applications are considered. Routine applications will be handled by officers through delegated powers, allowing committees to focus on significant cases. This reallocation aims to address rising enforcement hearings while accommodating councillor availability.
- 1.4 The combined efforts of structured training, remote hearing policies, and streamlined case management will reinforce a transparent and effective licensing process.

### 2. Recommended actions/decision

- 2.1 To note the roles and responsibilities of councillors and the importance of availability and attendance.
- 2.2 To note that officers to put in place an increase in training availability by incorporating hybrid attendance and a structured development programme for councillors seeking to enhance their skills.
- 2.3 To note that officers to implement and introduce a policy for conducting Hybrid Hearings using technology, aligning with relevant legislation and guidance.
- 2.4 To note that officers to implement overall streamline decision-making by referring those that cannot be delegated to officers by law, to the committee, while all other routine applications are handled through delegated powers.

### 3. Scrutiny / stakeholder engagement

N/A

#### 4. Background and options with supporting evidence

- 2.5 This report outlines the key roles and responsibilities of councillors sitting on a Licensing Hearings Committee under the Licensing Act 2003, with reference to the statutory Section 182 Guidance. The primary focus is on the importance of availability for hearings and the consequences of non-compliance with statutory deadlines.
- 2.6 The Licensing Act 2003 governs the regulation of alcohol sales, entertainment, and late-night refreshment in England and Wales. The Act requires that local authorities establish a Licensing Committee, which delegates certain matters to sub-committees (Licensing Hearings Committees) to determine contested applications, reviews, and other licensing matters.
- 2.7 Under the Act, hearings must be conducted within specific timeframes. For example, applications subject to representations must be determined within 20 working days after the end of the representation period (Schedule 1, para. 9). Failure to meet these statutory deadlines may result in automatic approvals or an inability to impose necessary conditions.
- 2.8 Councillors sitting on Licensing Hearings Committees have a quasi-judicial role and must act fairly, impartially, and in accordance with the law and guidance. Their key responsibilities include:
- **Availability and Attendance** – Councillors must be available to sit on hearings as required. The Licensing Act 2003 sets out statutory deadlines that must be adhered to, and failure to convene a hearing within these deadlines can result in applications being granted by default, potentially undermining licensing objectives.
  - **Decision-Making** – Councillors must base their decisions on evidence presented, considering the four licensing objectives:
    - Prevention of crime and disorder
    - Public safety
    - Prevention of public nuisance
    - Protection of children from harm
  - **Compliance with Section 182 Guidance** – The Secretary of State's Section 182 Guidance provides clarity on the operation of the Licensing Act 2003. Councillors must adhere to this guidance, particularly in ensuring timely hearings and decisions that are lawful and proportionate.
  - **Conflict of Interest and Impartiality** – Councillors must declare any conflicts of interest and not predetermine applications. They must apply the law consistently and avoid personal bias.
  - **Training and Knowledge** – Councillors must be adequately trained in licensing law and procedure to ensure they can fulfil their role effectively. The Section 182 Guidance advises that councils should provide regular training to councillors involved in licensing matters.
- 2.9 Failure to adhere to statutory deadlines or properly discharge responsibilities may result in:
- **Automatic Approvals** – If hearings are not held within the legal timeframe, applications may be granted by default, regardless of objections.
  - **Legal Challenges** – Decisions may be subject to judicial review or appeal, resulting in financial and reputational consequences for the local authority.

- **Undermining Public Confidence** – Poor decision-making or non-compliance can erode public trust in the licensing process and the authority's ability to uphold licensing objectives.

### **Future Developments and Training Initiatives**

- 2.10 To ease the pressures associated with ensuring all licensing matters are heard and resolved in a timely manner, the local authority will introduce hybrid training for councillors. This will enable a greater number of councillors to attend the necessary training sessions, ensuring they are adequately prepared to participate in hearings.
- 2.11 Additionally, specialised training will be available for those seeking to develop the skills required to chair licensing hearings effectively. This initiative forms part of an ongoing development programme, which will be expanded over time.
- 2.12 Further, the local authority is exploring the introduction of a policy to allow for remote hearings, making it easier for councillors, applicants, and the public to attend. The case of *R (Hertfordshire County Council) v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 1093 (Admin) highlighted the limitations of remote meetings under current legislation.
- 2.13 However, local authorities retain discretion in procedural matters, and where practical, hybrid or remote hearings can be implemented to enhance efficiency and accessibility.
- 2.14 This approach will help streamline the licensing process and ensure timely decision-making while maintaining transparency and public engagement.

### **Review of Cases Brought Before the Licensing Committee**

- 2.15 To further reduce the pressure on Licensing Committees and ensure efficiency in decision-making, the local authority will be reviewing the types of cases that require a committee hearing.
- 2.16 This review will align with legislative requirements and ensure that applications brought before the committee are those requiring strategic consideration due to their complexity or potential far-reaching implications.
- 2.17 This will not affect applications under the Licensing Act 2003 or Sexual Entertainment Venue Licenses, which will continue to be heard as required.
- 2.18 Other routine applications will be dealt with through delegated powers by officers, including the Service Manager and Team Manager. This is in line with current practices but will formalise the approach to prevent the committee from being burdened with applications that do not necessitate its involvement.
- 2.19 Notable exceptions or cases requiring additional scrutiny will continue to be referred to the Licensing (Hearings) or Enforcement (Sub) Committees for appropriate consideration.

2.20	This change is necessary due to the increasing number of enforcement hearings and the constraints on councillor availability. By reallocating decision-making responsibilities appropriately, the local authority can ensure a more efficient use of resources while maintaining a robust and transparent licensing process.
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## 5. Financial, legal, equalities, climate emergency and other implications

### 5.1 Financial implications

There are no significant financial implications associated with the recommendations within this report. The cost of any additional training will be managed within existing budgets.
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Signed: Stuart McAvoy
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Dated: 27 <sup>th</sup> February 2025
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### 5.2 Legal implications

The proposals in this report are without detail and in the formative stage. Legal services will work with officers and provide guidance and advice as required. Hybrid hearings are an option available in relation to Licensing Hearings but will not be available for committee hearings held under the constitution. The reallocation of decision making may require changes to the constitution and the terms of reference for Licensing Committees.
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Signed: Feizal Hajat, Qualified Lawyer
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Dated: 27 February 2025
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### 5.3 Equalities implications

There are no direct equality implications arising from this report. However, we need to ensure that accessibility needs/issues are taken into account regarding hybrid and remote hearings and reasonable adjustments be considered as required to ensure participation for people from across all protected characteristics.
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Signed:
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Dated:
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### 5.4 Climate Emergency implications

There are no significant climate emergency implications arising from this report.
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Signed: Duncan Bell, Change Manager (Climate Emergency). Ext. 37 2249
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Dated: 27.02.25
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### 5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None
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## 6. Background information and other papers:

None relevant

## 7. Summary of appendices:

None

**8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**9. Is this a “key decision”? If so, why?**

No