

Leicester  
City Council

Democratic and Civic  
Support  
City Hall  
115 Charles Street  
Leicester  
LE1 1FZ

17 November 2021

Sir or Madam

I hereby summon you to a meeting of the LEICESTER CITY COUNCIL to be held in the Attenborough Hall in City Hall, 115 Charles Street, Leicester, on THURSDAY, 25 NOVEMBER 2021 at FIVE O'CLOCK in the afternoon, for the business hereunder mentioned.

**Monitoring Officer**

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**AGENDA**  
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**PLEASE NOTE; DUE TO THE NEED TO HOLD A COVID SAFE MEETING AWAY FROM THE COUNCIL CHAMBER IT WILL NOT BE POSSIBLE TO WEBCAST THIS MEETING**

1. LORD MAYOR'S ANNOUNCEMENTS
2. DECLARATIONS OF INTEREST

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

The minutes of the meeting held on 30 September 2021 are available to view at:

<https://cabinet.leicester.gov.uk/ieListDocuments.aspx?CId=81&MId=10903&Ver=4>

Copies are also available from Democratic Support on (0116) 454 6350 or [committees@leicester.gov.uk](mailto:committees@leicester.gov.uk)

### **4. STATEMENTS BY THE CITY MAYOR/EXECUTIVE**

### **5. PETITIONS**

- Presented by Members of the Public
- Presented by Councillors
- Petitions to be debated

### **6. QUESTIONS**

- From Members of the Public
- From Councillors

### **7. MATTERS RESERVED TO COUNCIL**

- |  |                   |
|--|-------------------|
| a) <b>SCRUTINY ANNUAL REPORT</b>   | <b>Appendix A</b> |
| b) <b>GAMBLING POLICY</b>  | <b>Appendix B</b> |
| c) <b>DECISION TO OPT INTO THE NATIONAL SCHEME FOR AUDITOR APPOINTMENTS MANAGED BY PSAA AS THE 'APPOINTING PERSON'</b> | <b>Appendix C</b> |
| d) <b>ELECTED MEMBER ABSENCE FROM MEETINGS</b>   | <b>Appendix D</b> |

### **8. EXECUTIVE AND COMMITTEES**

- To note any changes to the Executive
- To vary the composition and fill any vacancies of any Committee of the Council

### **9. ANY OTHER URGENT BUSINESS**

## 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.

### Due to COVID restrictions, public access in person is limited to ensure social distancing.

Please contact the Democratic Support Officer in advance of the meeting regarding arrangements for public attendance. A guide to attending public meetings can be found here: <https://www.leicester.gov.uk/your-council/decisions-meetings-and-minutes/public-attendance-at-council-meetings-during-covid-19/>

Dates of meetings and copies of public agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk), or by contacting us using the details below.

To hold this meeting in as Covid-safe a way as possible, all attendees are asked to follow current Government guidance and:

- maintain distancing while entering and leaving the room/building;
- remain seated and maintain distancing between seats during the meeting;
- wear face coverings throughout the meeting unless speaking or exempt;
- make use of the hand sanitiser available;
- when moving about the building to follow signs about traffic flows, lift capacities etc;
- comply with Test and Trace requirements by scanning the QR code at the entrance to the building and/or giving their name and contact details at reception prior to the meeting;
- if you are displaying Coronavirus symptoms: a high temperature; a new, continuous cough; or a loss or change to your sense of smell or taste, you should NOT attend the meeting, please stay at home, and get a PCR test.

Separate guidance on attending the meeting is available for officers. Officers attending the meeting are asked to contact the Democratic Support Officer in advance to confirm their arrangements for attendance.

### Making meetings accessible to all

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Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Induction loops - There are induction loop facilities in City Hall meeting rooms. Please speak to the Democratic Support Officer using the details below.

Filming and Recording the Meeting - The Council is committed to transparency and supports efforts to record and share reports of proceedings of public meetings through a variety of means, including social media. In accordance with government regulations and the Council's policy, persons and press attending any meeting of the Council open to the public (except Licensing Sub Committees and where the public have been formally excluded) are allowed to

record and/or report all or part of that meeting. Details of the Council's policy are available at [www.leicester.gov.uk](http://www.leicester.gov.uk) or from Democratic Support.

If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc..

The aim of the Regulations and of the Council's policy is to encourage public interest and engagement so in recording or reporting on proceedings members of the public are asked:

- ✓ 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:

**Matthew Reeves, Democratic and Civic Support Manager on 0116 4546352.**

Alternatively, email [matthew.reeves@leicester.gov.uk](mailto:matthew.reeves@leicester.gov.uk) .

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

# Scrutiny Annual Report 2019-21

Decision to be taken by:  
Full Council

Decision to be taken on/Date of meeting:  
Full Council – 25 November 2021  
Overview Select Committee – 10 November 2021

Lead director/officer:  
Miranda Cannon  
Director – Delivery, Communications and Political  
Governance

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## **Useful information**

- Ward(s) affected: All
- Report author: Francis Connolly, Scrutiny Support Manager
- Author contact details: Francis.Connolly@leicester.gov.uk
- Report version number: 1

### **1. Summary**

- 1.1. This report provides an overview of the Scrutiny Annual Report 2019-21.
- 1.2. The Chair of the Overview Select Committee has developed a summary of the activities undertaken during 2019/21 by all the scrutiny commissions. It covers the annual cycles of 2019/20 and 2020/21 and does not primarily cover work undertaken after May 2021.
- 1.3. The report is usually compiled on an annual basis, though in light of the implications of the coronavirus pandemic, no report was published to cover the 2019/20 municipal year, and it was agreed to instead produce a two-year document that included scrutiny of the pandemic to date. This report also highlights many other areas of work conducted by scrutiny and provides detail of many of the outcomes achieved.

### **2. Recommended actions/decision**

- 2.1 Full Council is asked to note the report and endorse the work of scrutiny during 2019-2021.
- 2.2 The Overview Select Committee is asked to review the report and provide any comments/recommendations ahead of consideration by Full Council.

### **3. Scrutiny / stakeholder engagement**

- 3.1 The report details a summary of work and outcomes from scrutiny across OSC and the range of commissions during 2019-21.
- 3.2 Although it is a decision of Full Council to approve a scrutiny annual report, as it covers the work and operation of scrutiny, it is therefore appropriate that it is subject to consideration of the Overview Select Commission, and therefore each of the scrutiny commission chairs, ahead of its submission to Full Council.

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

- 4.1 The main report begins with an introduction by the chair of the Overview and Select Committee.
- 4.2 Given the unprecedented circumstances faced since March 2020, the report includes a section that sets out the work of scrutiny in relation to the pandemic.
- 4.3 The work of each Committee/Commission and the rest of their activities during the two years is summarised within the report.
- 4.4 The report provides a summary of many of the highlights of the scrutiny programme, though it does not serve as a definitive list of activity.
- 4.5 The report also includes a section that sets out how scrutiny seeks to develop beyond May 2021.

#### **5. Detailed report**

The full 'Scrutiny Annual Report 2019-21' is included on the subsequent pages.

### **6. Financial, legal, equalities, climate emergency and other implications**

#### 6.1 Financial implications

There are no financial implications associated with the preparation of the Annual Scrutiny Report, beyond the use of existing resources.

*(Colin Sharpe, Deputy Director of Finance)*

#### 6.2 Legal implications

There are no direct legal implications arising from this report

*(Kamal Adatia, City Barrister & Head of Standards)*

#### 6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

There are no direct equalities implications arising from this report and equalities implications would have been considered for each of the areas mentioned when reports have been presented to the scrutiny commissions throughout the timeframe referred to in the report.

*Kalvaran Sandhu, Equalities Manager*

#### 6.4 Climate Emergency implications

There are no climate emergency implications arising from this report.

#### 6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

N/A

#### **7. Background information and other papers:**

#### **8. Summary of appendices:**

Scrutiny Annual Report 2019/21

#### **9. 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

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

No



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# Leicester City Council Scrutiny Report 2019-21

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## **Message from the Chair of the Overview Select Committee, 2019-21**

I have been delighted to serve as chair of the Overview Select Committee since May 2019 and I am very pleased to present a bi-annual report that reflects a wealth of work undertaken by chairs across our set of scrutiny commissions

It goes without saying that this period compares to no other. The pandemic has presented enormous challenges to individuals, families, communities, businesses and more generally, to the overall service delivery of local authorities. Here in Leicester, the pressures have been even more severe as a result of the periods of extended lockdown that we have all faced. The City and its people must reflect with great pride how it has coped during the most challenging of times and how we are now recovering from everything that we've endured.

Scrutiny during this period has focussed much of its energies on the impact and consequences of the pandemic. In doing so, we have sought to influence the response and recovery of our City for the good of the citizens that all elected members serve. The implications that the pandemic will have across society will not quickly disappear and scrutiny has and must continue to serve as a key vehicle for examining and evaluating the continued response to the pandemic.

As scrutiny chairs, along with our scrutiny commission members, my colleagues and I have been determined to continue to focus on and influence the every-day service delivery performed by the City Council. Both before and after the most critical times during the pandemic, scrutiny has completed a particularly impressive amount of work, not only in examining and influencing policy, but by engaging with partners, organisations and the public in considering the needs of the City. I offer my sincere thanks to all of those who have tirelessly contributed to the invaluable work that our scrutiny function performs.

As I look forward towards the end of 2021 and beyond, I'm fully aware of the challenges that our local authority and City, like so many others, will continue to face. Growing financial pressures and further uncertainty of the broader landscape as we recover from the pandemic are amongst the most significant of challenges. However, I am heartened by the great sense of passion and enthusiasm displayed towards scrutiny. I am also excited by our intentions to continue to examine critical local policy and to initiate work that will no doubt seek to offer improvements to the quality of lives of those in Leicester for many generations to come.

**Councillor Ted Cassidy MBE, Chair of the Overview Select Committee**

## CONTENTS

SECTION	PAGE NUMBER
Introduction	4
Scrutiny During the Pandemic	6
A Fair City	9
Homes for All	11
Connecting Leicester	13
Sustainable Leicester	15
Health and Care	17
Lifelong Learning	21
A City to Enjoy	23
A Safe and Inclusive City	25
What's Next for Scrutiny?	27
Contacting scrutiny	28

## Glossary

The following abbreviations are used throughout this report:

**ASC:** Adult Social Care Scrutiny Commission

**CYPS:** Children, Young People and Schools Scrutiny Commission

**EDTT:** Economic Development, Transport and Tourism Scrutiny Commission

**HCLS:** Heritage, Culture, Leisure and Sport Scrutiny Commission

**HSC:** Housing Scrutiny Commission

**HWB:** Health and Wellbeing Scrutiny Commission

**NSCI:** Neighbourhood Services and Community Involvement Scrutiny Commission

**OSC:** Overview Select Committee

# Introduction

## What is Scrutiny?

The Centre for Public Scrutiny defines scrutiny as “the activity by one elected or appointed organisation or office examining and monitoring all or part of the activity of a public sector body with the aim of improving the quality of public services. A public sector body is one that carries out public functions or spends public money. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.” As such, it is important that scrutiny is an essential part of ensuring that the council and its partners remain effective and accountable.

## Leicester City Council’s Scrutiny Structure



As highlighted here, the council continued with the model of an Overview Select Committee supported by seven scrutiny commissions covering all facets of the council’s business. Since May 2021, the City Council has also acquired responsibility for leading the support to the Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee; an arrangement that rotates on a bi-annual basis between Leicester City Council and Leicestershire County Council. A review of scrutiny functions also took place around this time and as a result, certain areas of responsibility were transferred between particular commissions, resulting in some minor title and terms of reference changes to several commissions.

## Report Structure

This annual report differs from previously published versions given that it covers a two-year period. It also spans a time like no other, given that it covers the period that was, to date, most significantly affected by the coronavirus pandemic. From a practical sense and in respect of content, scrutiny has been very different. However, throughout this period, a significant amount of work has been undertaken through the form of reports to meetings, reviews, lodging call-ins, carrying out task and finish work as well as making recommendations from the various commissions to the Council's Executive and partner organisations. Such work naturally relates to the implications of the pandemic but has also been in connection with a vast range of many other significant matters.

In 2019, local and mayoral elections took place and as a result, City Mayor Sir Peter Soulsby was elected for a third term of office. He and his executive team have been working to a new set of priority commitments across a number of themes that replaced those to which previous versions of this report have had a focus on. This report again summarises scrutiny activity in respect of each of these themed areas, drawing on how scrutiny across the whole portfolio of commissions has issued challenge, support and influence. Scrutiny has however had a broader focus beyond those pledges of the City Mayor and Executive and the report draws upon this range of activity. Given the strength of work regarding the pandemic, this report begins with a section that sets out how scrutiny has examined and influenced the ongoing implications and response.

Scrutiny throughout 2019-21 has covered an enormous amount of ground and has widely influenced and offered recommendations in terms of future service delivery to improve the lives of the citizens of Leicester. The subsequent sections of the report summarise some of the highlights but do not serve as a definitive list of activity and achievements. Further comprehensive details of the work of all scrutiny commissions, including reports and full minutes can be found on the Council's website via the following link: <https://bit.ly/3o5clyL>

## Scrutiny During the Pandemic

Although much of scrutiny is focussed on examining the operation and priorities of the City Council, it is fundamental that scrutiny is seen as responsive and that it examines key emerging issues that are often unforeseen and impact severely on service delivery and the wider landscape of the city. There is no greater example of this than responding to the circumstances faced as a result of the unprecedented coronavirus pandemic.

Scrutiny of the pandemic has been a feature of each scrutiny committee and commission since Spring 2020, and although this section sets out scrutiny's overall approach and impact, it also naturally relates to the thematic sections that follow and dovetails with much of the other work performed throughout this period.

From the outset of the pandemic, scrutiny has engaged directly with those who have led Leicester's response and been tasked to deal first-hand with the countless complex issues that have arisen. The City Mayor and Ivan Browne, Director of Public Health, have been called to attend each OSC meeting to outline the approaches to dealing with such issues. As the pandemic progressed, scrutiny has been quick to identify other key senior officers and partners, who have in turn contributed greatly in informing and responding to many associated issues.

Throughout the first year of the pandemic in particular, a large proportion of OSC's time was geared around this and members lodged a host of queries, comments and suggestions in response to the local position and the impact on local people and service delivery. In the early stages of the pandemic, OSC was quick to resolve that each scrutiny commission be tasked to scrutinise the response at a more focussed level in alignment with their respective portfolios. The main aim during this period was to monitor the progress of work in mitigating against the risks of the virus on the residents of the city. OSC and other commissions received regular updates on the latest data and the methods used across all our services to gain assurances that services were still able to be provided and could support the most vulnerable.

Some particular areas of scrutiny focus and challenge throughout this period are as follows:

- A condemnation by OSC and ASC in respect of the actions taken by Leicestershire County Care Ltd towards its staff during the early stages of the pandemic.
- Recommendations by ASC in terms of Public Health England's approach to those who were shielding.
- An exploration by ASC of the impact of the pandemic upon those who access day-care services.

- Ongoing monitoring by ASC of the vaccination roll-out within care homes and amongst care sector staff, and similarly, CYPS continually scrutinised the vaccination programme in respect of school staff.
- Further scrutiny by HWB in respect of the low-level of vaccination take-up amongst certain cohorts and geographical areas and recommendations to undertake a more targeted communication strategy.
- Monitoring by HCLS of fines issued to those in breach of pandemic guidelines.
- A call by HCLS to ensure that risk assessments be carried out prior to council facilities re-opening to ensure the safety of staff and the public.
- Recommendations by HCLS to ensure that additional safety measures were taken in the city's parks and open spaces.
- A request by HCLS to ask the Executive to recognise and remedy the particularly severe impact of the extended lockdown upon Sports Services, and the general impact of it upon the overall health and wellbeing of people.
- An involvement by HCLS in the marketing, communication and rebranding of activities relating to the culture, leisure and tourism sectors in the city in support of post pandemic recovery.
- A stance taken by NSCI for increased enforcement of those businesses not operating within covid guidelines.
- Close scrutiny by NSCI of the Council's approach in supporting communities in the absence of access to key community-based services such as libraries and community centres.
- Strong support by OSC in respect of the Council's approach in providing support to local businesses.
- Continual scrutiny by CYPS of the impact of the pandemic upon children's services and particularly upon schools.
- Extensive probing by CYPS regarding the approach and the handling of risk assessments, safeguarding issues and other incidents within schools.
- CYPS also undertook an analysis of the gap in learning as a result of the pandemic.
- A recommendation by CYPS for ward funding to assist with additional learning support.
- A strong view from CYPS to seek assurances that adequate support was being provided to school staff.
- A focus by EDTT on the economic and transport recovery plans.
- Consideration by EDTT of the temporary measures taken in respect of pavement widening and other highway-focussed initiatives.
- Scrutiny by HWB regarding the testing centre regime in the city
- Views expressed by HWB regarding the need for improved localised covid case data – in respect of ethnicity, workplaces and particularly with regard to care home cases.
- Probing by HWB regarding hospital admissions for those with long covid and a request for data regarding hospital re-admissions.

- An interest by HWB in terms of how Clinical Commissioning Groups were reaching those with immigration status issues as part of the vaccination programme.
- Strong support by HWB towards more work to identify the impact of the pandemic upon health inequalities amongst the local population.
- Regular reviewing and influence of the major recovery planning work by all scrutiny commissions.

It should also be pointed out that within its work, scrutiny has regularly paid thanks and appreciation for the considerable efforts of those who have led the local response to the pandemic.

The pandemic, and the issues that arise from it, will without doubt continue to be a prominent feature of scrutiny throughout 2021-22 and beyond. As pandemic implications will feature within the majority of mainstream council policy, it is anticipated that the format of its scrutiny may change. It is also anticipated that scrutiny work will become more focussed and may involve a number of service-based reviews and task and finish exercises to examine ongoing implications.



## A Fair City

*This first main theme focusses on work that relates to developing a local growing economy and ensuring that the economic needs of communities, families and individuals are adequately assessed and met.*

During 2019-21, scrutiny closely examined several pieces of work around the provision of a fair economy in Leicester. Scrutiny commissions, led by OSC, have continued to monitor the financial situation the authority was facing and the uncertainty that the Council had around its future level of finance. OSC have maintained an interest in understanding the impact of council tax increases, particularly on vulnerable families. Such interest was also shared by NSCI and EDTT who sought more comprehensive datasets to better understand the overall extent of the impact.

OSC have remained committed to ensure that benefit payments are made available to those who qualify for them, both during and either side of the pandemic. The committee has championed the promotion of information relating to hardship funding and has particularly encouraged the use of this information by all elected members as part of their day-to-day work with constituents. OSC also sought a review of information on the Council's website regarding opportunities to apply for hardship support. Furthermore, OSC recommended the Executive consider deferring a decision on the proposal to repurpose the welfare reserve until a broad post-covid anti-poverty strategy was produced. OSC will be further examining the position of the Council's anti-poverty strategy later in 2021.

The interest in welfare support has not been limited to work by OSC. HSC and NSCI both examined the impact of the introduction of universal credit and raised a number of concerns and issued several recommendations.

OSC have received a number of reports in relation to income collection and showed particular interest in the procedures used to write-off parking and bus lane enforcement fines. OSC also probed the issue of companies using insolvency to avoid debt and sought detail on how this could be addressed.

The provision of social value in service delivery has become an emerging theme when scrutinising many of the most significant policy developments. In examining social value in procurement practices, both OSC and EDTT raised a number of points regarding contractual obligations and have continued to maintain their position on the imposition of a real living wage. A further example of scrutiny's interest in influencing this agenda is HSC's recommendation to include social value clauses in housing contracts which support training and employment at a local level.

EDTT have inspected issues of modern slavery and exploitation in the textile sector and have recommended several strands of support for staff, particularly in smaller workspaces.

Scrutiny has continued to exercise the use of service-based reviews and task and finish work when examining policy more closely or considering alternative means of provision. A scrutiny review on local level development was conducted prior to the start of the pandemic. The work yielded a number of recommendations that also fed into the proposals for the COVID Economic Recovery Plan, particularly in relation to greater investment into opportunities for young people. The review also strongly favoured the notion of inclusive growth as a means of reaching the most vulnerable members of society.

Secondly, over 2019/20 a scrutiny review into the viability of a community lottery for Leicester was carried out by NCSI with the findings resulting in a recommendation not to consider it. Both NCSI and OSC were of the view that a lottery would have a disproportionate impact on the most vulnerable individuals, households and communities in Leicester and would not be consistent with the aims and objectives of the anti-poverty strategy. The report was fully supported by the Executive.

Scrutiny has also continued to exercise an ability to question the executive and particularly the City Mayor, with both EDTT and OSC including dedicated items to enable members to do so. Scrutiny commissions have examined the strategic commitments made by the City Mayor and Executive both in broad, overview terms and by also seeking to examine some pledges more closely. Further detail of some of this work can be found in subsequent sections of this document. In addition, OSC have maintained an interest in examining any revisions to guidance on Overview and Scrutiny in Local Authorities and continues to serve as the body for ensuring that scrutiny is serving in a meaningful and appropriate way.

## Homes for All

*This theme covers building and purchasing plans to increase the level of council housing in Leicester. It also captures the Council's work in preventing homelessness and for providing services for those that do lose their homes.*

From the outset of 2019-20, HSC focussed on the significant number of housing-related strategic pledges. During this period, HSC also comprehensively examined policy in relation to the statutory services provided by the City Council's Housing division. In considering the Housing Revenue Account for 2021/22, HSC supported the suggested increase in rents of 1.5%. When examining budgets more corporately, OSC recommended to ensure that updates be provided in respect of anticipated pressures on the Housing General Fund, particularly in relation to temporary accommodation.

As a result of reviewing progress reports regarding outstanding rent arrears, HSC carried out a visit to the income collection team to establish a greater understanding of the work of the team. When reviewing the corporate capital programme for 2021-22, OSC also questioned the level of outstanding arrears and recommended that HSC continue to monitor the position.

HSC have been particularly effective in considering alternative methods of scrutiny when examining policy in greater depth and suggested the establishment of working parties to consider more closely both the overcrowding reduction strategy and voids performance. In addition, HSC recommended a number of all-member ward-based briefings relating to key housing initiatives. And similar to that described in other sections, HSC frequently advised that enhanced publicity of key housing services be communicated through the use of local libraries and neighbourhood centres.

When reviewing a proposal to transfer the responsibility of dealing with anti-social behaviour to the Crime and Anti-Social Behaviour Unit (CrASBU) service, HSC raised a number of concerns, and as a result, the proposal was amended to maintain a lead role with the Housing division. This work continues to be at the heart of HSC's agenda, with a task and finish exercise in conjunction with NCSI on the role of the new ASB team and its relationship with the Crime and Anti-Social Behaviour Unit (CrASBU) taking place throughout 2021-22.

HSC have held particular interest in reviewing who is entitled to social housing and have continued to receive regular updates in relation to housing allocation matters. An overwhelming ask of HSC has been for more to be done to increase the supply of affordable housing, which remains a key executive pledge. In particular, HSC recommended that work be undertaken to encourage more support in this field from

the private sector, and as a result, policy proposals are being drawn up for consideration by scrutiny in 2021-22.

When reviewing the Homelessness Strategy, members of the commission agreed to attend a street-count. HSC have and will continue to maintain an interest in the development of the MyHome app. Scrutiny of the pandemic has of course remained at the core of HSC's interests, and in particular, HSC examined the 'Everyone In' scheme, which proved to be extremely successful in assisting the homeless throughout the pandemic. HSC continue to monitor work to assist those that are still accessing the homelessness service. Moreover, in respect of homelessness, HSC have made several service improvement related recommendations, including increasing support measures for those staff who work with service users.

Since the Grenfell Tower tragedy of 2017, HSC have stringently examined accommodation safety standards, and in 2019, asked officers to review guidance around fire sprinkler systems in light of concerns voiced at a national level.

HSC also maintained oversight of council house building schemes and continue to monitor progress of the strategic priority to increase the overall supply in Leicester. Furthermore, ASC examined schemes to provide additional supported living and extra care units and made a number of recommendations in relation to the standard of accommodation units.

## Connecting Leicester

*In recent years, Leicester has seen national and international focus on the city and its heritage. The Connecting Leicester initiative has been fundamental in promoting the heritage of the city and connecting shopping, business, leisure, heritage, housing and transport facilities. There continue to be plans for further transformation of the city, including some significant and widespread schemes and programmes to facilitate this.*

Such schemes include the plan to consult on a workplace parking levy as a measure to tackle problems associated with traffic congestion and air quality. EDTT have scrutinised these plans from concept phase and continue to be a central vehicle in examining the overall process behind the development of a potential levy. EDTT have shown particular interest in the potential economic impact of a levy scheme upon businesses and this remains at the core of their interests.

The plans for the further development of Connecting Leicester have been strengthened as a result of a successful bid to the government's Transforming Cities Fund (TCF). A £70million package of work is focusing on major sustainable transport improvements to provide attractive choices for people to get to work, support the city's growth and deliver on the council's climate emergency, air quality and healthy living commitments. EDTT have received several presentations on TCF proposals, both in terms of the overall position as well as individual schemes, such as the St Margaret's Bus Station development. The commission have made several recommendations to date, including voicing the need for increasing the overall level of investment in the east of the city. Throughout the period, EDTT regularly examined further elements of the Connecting Leicester programme ahead of their implementation and made several alternative suggestions to proposals.

A further aim of Connecting Leicester is to remove barriers that make it difficult for people to move from one area to another. As such, EDTT has closely examined issues around city centre accessibility. In doing so, the commission received evidence from local interest groups and arranged city centre site visits to identify potential issues for further discussion. EDTT remained committed throughout 2019-21 in striving to improve accessibility and have made a number of recommendations. These include a suggestion to use a proportion of future income generation from a workplace parking levy towards enhancing the overall level of accessibility, particularly in the city centre. More generally, EDTT sought an accessibility audit in respect of both City Hall and Town Hall, and this is another facet of work that will continue to be closely examined by the commission.

Scrutiny of Leicester's draft Local Plan has been a prominent feature amongst the majority of commissions. In examining the earlier phases of the production of the Local Plan and in contributing to its consultation, several key principles were identified by scrutiny and these include:

- A number of points were raised by EDTT in relation to the overall level of housing need, accessibility, Homes of Multiple Occupation (HMOs) and public transport infrastructure.
- An interest by EDTT in references within the plan to the Evesham Road link.
- Concerns raised by EDTT in respect of the level of anticipated engagement in the consultation exercises as a result of the pandemic.
- A specification by HCLS that essential green and open spaces which were well used by residents for recreation, exercise and sports should be protected and improved, and not be considered for new developments and a change of use.
- A suggestion by HCLS for the creation of more 'green painted walls' as a means of offsetting and identifying areas where green space has been lost,
- Views from HCLS that existing heritage sites to be protected, and heritage forums in the city be consulted on the local plan
- Comments by HCLS in respect of the need to better reflect the culture, history and diversity of Leicester City.
- A request by HCLS for a further report in relation to sports and leisure facilities that are to be included within the final plan.
- General views from NCSI regarding the protection of existing green and open spaces to support well-being and wildlife, and the need to plan for additional amenities in the city to cater for population growth.
- Concerns by CYPS in respect of the effect that any loss of playing field space and learning centres could have upon the health and wellbeing of children.
- An examination by HSC of particular sites identified within the plan including Lanesborough Road and the Saffron Velodrome site.
- On a more general issue in respect of planning policy, OSC examined the impact upon City Council income of the imposition of charges for pre-planning applications.

In advance of its submission for approval to Full Council in 2022, scrutiny of the local plan will remain an imperative throughout 2021-22 and it is anticipated that commissions will focus on tailored elements of the final set of proposals and OSC will also examine the proposals and make recommendations to Full Council as they see fit.



## Sustainable Leicester

*A key ongoing priority area of work for the City Council is reducing the city's carbon footprint by focusing on reductions of greenhouse gas emissions from the council's own operations, as well as promoting sustainable travel and reducing emissions from homes and businesses.*

At the heart of work by the City Council in respect of this theme has been the production of a climate emergency action plan. This was examined by a number of scrutiny bodies including OSC, who made a several recommendations such as:

- An encouragement for all Members to help publicise and champion the Climate Emergency Conversation through their role as Ward Councillors.
- Further scrutiny of the impact of schools declaring their own climate emergency.
- Encouraging work to on-board other organisations in joining the Council in taking action, including developing their own action plans and strategies.
- That further reports relating to the development of the strategy be reported back for scrutiny in due course.
- That a particular feature of the future strategy involves the steps required to increase the overall level of 'green' jobs.

In examining the Climate Change Conversation consultation, NCSI recommended that the exercise should include all school-aged children. Like OSC, when reviewing the draft Climate Emergency action plan, the commission requested further consideration of how proposals for 'green' jobs could be drawn-up. HSC encouraged greater lobbying of MPs, who were seen as being in a particularly strong position to influence change.

It was encouraging to experience a good level of public engagement at scrutiny in respect of a number of issues concerning sustainability; particularly at HSC. Public questions were raised in respect of passivhaus homes and in terms of carbon standards in housing developments. The latter led to the production of a detailed report on house-building standards, and HSC also reiterated the need for all corporate reports that were the subject of scrutiny to include detailed climate change implications. HSC also engaged with the relevant Assistant City Mayor to discuss the future of local housing development in the context of the climate emergency declaration. Furthermore, when reviewing energy efficiency of a particular new housing development, they recommended an upskilling of City Council staff for installations and requested the planning team to consider site layouts that would maximise solar power as an energy source. HSC have also sought to review the effectiveness of the district heating network including the network's contribution in addressing the city's declared Climate Emergency and opportunities that could be available to extend the scheme. In addition, when exploring a review of sport's

services in Leicester, HCLT urged the continuation of energy efficiency strategy work within all leisure centre facilities.

NCSI examined several strands of work with regard to waste management. When scrutinising recycling bring banks, the commission made suggestions in terms of greater promotion of the service. In addition, NCSI recommended greater engagement with schools in terms of raising awareness of waste management services in Leicester.

DRAFT



## Health and Care

*Leicester has poorer health outcomes on average compared to the rest of the country, so it is important to provide excellent healthcare and promote healthier lifestyles to close the gap. In doing so, scrutiny calls to account all health partners in the city.*

*Care for older people needs to be adequate for their needs and this is moving from traditional social support services towards the greater promotion of independent living. These services are also being increasingly aligned with healthcare to ensure an easier transition between the two. There is also a need to ensure that carers are well supported.*

A significant amount of the work undertaken in relation to health and care services has not surprisingly centralised on the impacts arising from the pandemic and as such, scrutiny prioritised its discussion around key services to protect the most vulnerable. Scrutiny acknowledged that it was a particularly difficult time for the Leicester City area as the lockdown period had been prolonged. Regular updates were received on the overall position, the data, and the impacts on elderly and vulnerable residents requiring care. Scrutiny was reassured that a number of council divisions were working in collaboration to manage the crisis and to keep people and staff safe by providing extra support where required, and this covered matters including meals on wheels, access to food banks, PPE safety equipment and access to GP health services.

HWB closely examined the implementation of and issues surrounding the vaccination programme. The Commission reiterated the need for health partners to access hard-to-reach communities and encouraged vaccinations and regular testing regimes. This was also accompanied by an update on the yearly flu vaccination programme and the issues faced in conducting this alongside the covid19 vaccination programme. The latter part of the updates relating to covid19 in 20-21 began to focus on the impact on long covid, as well as the risks of health inequalities in Leicester being heightened by the pandemic. HWB intend to further examine these matters and others stemming from the pandemic into the 2021/22 municipal year.

Both either side and throughout the peak of the pandemic, there have been many other issues affecting health and care services that scrutiny has examined in detail.

In light of the well-documented increase in pressures on the care sector, ASC have continued to scrutinise and provide comments on the development of key strategies and plans essential to supporting and improving adult social care services and partnership working e.g. Mental Health, Dementia support services and Carers

support. In doing so, members valued hearing evidence and information directly from provider organisations such as Age UK Leicester, Leicester Carers Support Group and the Independent Chair of Leicester Safeguarding Adults Board. Some particular points highlighted when examining issues surrounding care provision and associated services were as follows:

- *Revision to ASC Charging Policy*– scrutiny recommendations influenced the council decision-making timeline. This resulted in no changes to charges during the pandemic, and that the council would then undertake another wider statutory consultation.
- *Carers Strategy* – engaged with partners including Age UK and Leicester Carers Support Service and recommended a simpler route for carers to access information and for increased awareness of voluntary sector services to be promoted. ASC also welcomed the City Council’s introduction of a Carer’s Passport.
- *VCS Review* – sought further detail on the impact and progress of the new Service User Participation Service.
- *Extra Care Housing* – voiced concern over development size and how the design would safeguard the mixed ages of vulnerable adults. ASC conducted site visits to Danbury Gardens and Abbey Mills which were seen as examples of good design practice.
- *Dementia Strategy Action Plan* - praised the recruitment of ‘Dementia Friends’ in light of the high rate of diagnosis in the city.
- *General Fund/Budgetary issues* – repeatedly raised concerns over the increasing cost of care packages. This has led to the initiation of a task group review during 2021-22.

In considering corporate budgetary matters, OSC made a number of observations and recommendations. These included seeking additional sets of information relating to revenue spending which covered detail of the number of children in care, and details surrounding reductions in the number of child protection plans as well as an explanation regarding the decline in the take up of sexual health services in Leicester. OSC also sought details of the nature of vacancies within the SCE department.

ASC also closely examined circumstances surrounding ‘Leicestershire County Care Limited’ which became subject to scrutiny over several meetings and included seeking evidence from the company director. Scrutiny recommended that concerns be raised relating to the company’s financial stability and changes to staff terms and conditions.

A scrutiny task group review into ‘Adult Social Care Workforce Planning: Looking to the Future’ was carried out. As part of this, evidence was gathered from Adult Social Care officers, unions and the Leicester Development and Skills group. The findings identified the urgent need to recruit many more care workers and provide better skills and training with accreditation. It also recommended the improvement of terms and conditions and pay grades. Scrutiny continued dialogue following completion of the review and in particular, sought more detail on how and by whom the responsibilities identified were going to be actioned.

ASC also examined the Joint Integrated Commissioning Strategy for Adult Mental Health and raised concerns surrounding a significant post-pandemic rise in people presenting with mental health issues and encouraged all to be done to address such issues and to serve need. Moreover, ASC recommended consideration of how the more granular detail in terms of a suicide response service could be built into the strategy. Members suggested that within the concept of building resilience, it would be helpful to share values around mental health across different communities. Officers agreed to take that suggestion to the relevant partnership board for further consideration.

Scrutiny of mental health issues and implications will feature prominently across a number of work programmes throughout 2021-22. In addition to the continued work by ASC, CYPS are set to continue some work scoped previously in terms of exploring interventions to help children and young people with mental health issues. HWB plan to hold meetings with a dedicated focus on mental health, and in doing so will work with several key stakeholders and witnesses. Much of the scrutiny around matters relating to mental health will relate to long-term implications following the pandemic.

Throughout 2019-21, HWB examined many of the key strategies and fundamental changes proposed by the leading health agencies in Leicester. Prior to the pandemic, HWB focused on the NHS Long Term Plan, the introduction of Primary Care Networks, as well as the urgent improvements required following inspections at local services such as the Bradgate Unit.

There was also a central focus on the £450m investment into Leicester's hospitals and the Building Better Hospitals consultation run by the CCGs to gauge support for 14 key proposals, and this led to heightened interest and engagement with scrutiny from the public. Over the course of 2020-21, HWB considered a pre-consultation business case and submitted separate comments in relation to the proposals and made several recommendations. This included initiating the transfer of control of the Hospital Close site from UHL to the City Council. Furthermore, the financial deficit in the UHL accounts was also scrutinised in detail, and in doing so, additional meetings with UHL board members were held. This work led to recommendations proposing a consideration of a cultural change at UHL and also identified the need to involve HWB into the selection process for new board members.

Other issues that HWB have examined in closer detail are as follows:

- *Primary Care Networks (PCNs) and the Introduction to the NHS Long-Term Plan* – concerns were raised in terms of the funding, operation and geographical spread of PCNs along with concerns around how they would address health inequalities and how the public could contribute to their development. A recommendation was proposed in respect of increasing nursing provision at GP surgeries. It was also voiced that the long-term plan did not adequately cover service provision in relation to dementia and frailty.

- *Leicestershire Partnership NHS Trust – Steps taken on Regulatory Inspections* – recommended in-depth work in relation to equalities and sought a report that detailed progress with the redevelopment of the Bradgate Unit.
- *Leicester, Leicestershire and Rutland Primary Care Strategy 2019/21-2023/24* – sought further information on work to deflect away from the use of A&E services and requested Healthwatch to engage with the commission in terms of the development of the strategy.
- *LLR Urgent & Emergency Care Transformation Plan 2019/20* – focussed on issues in connection with an absence of GP surgery consultations, a decline in care home provision; digital exclusion to the vulnerable and elderly, detail around the ambulance handover process and expressed an urgent need for greater investment in mental health service provision.
- *0-19 Children’s Offer* – sought further detail in relation to health visits and the extent of improved outcomes and raised issues of concern around parents experiencing judgement regarding oral health and obesity issues.
- *Updates on Obesity (including childhood obesity)* – recommended improved communication of particular projects and programmes aimed at school-aged children and also recommended that practitioners should focus on the issue of poor diet as much as encouraging the need to exercise.
- *Primary Care Hub Access at Merlyn Vaz Health & Social Care Centre* – the commission agreed that any in-depth review of the walk-in facility should reflect the demography of the city.
- *General Fund and Revenue Budget issues* – sought an update on the impact of the pre-exposure to the HIV service and further details were requested in relation to the overall funding of the service.

As reported elsewhere in this report, HWB also initiated a review in relation to the experience of black people working in health services in Leicester and Leicestershire. This work engaged extensively with and sought evidence from a range of health partner agencies and the evidence gathering continues into the 2021/22 municipal year ahead of the preparation of a set of recommendations.

During 2019-21, the administration of the Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee was performed by Leicestershire County Council. However, the City Council has now assumed responsibility for the administration of the committee from 2021-23 and it is currently chaired by Councillor Patrick Kitterick. The committee will continue to examine health issues and consultations which impact upon the whole of Leicester, Leicestershire and Rutland. In doing so, the committee will engage with key strategic health partners as well as encouraging wider participation in scrutiny from youth representatives and members of the public. The committee will explore a range of work, which will undoubtedly include the continuation of scrutiny of the UHL reconfiguration as well as many issues that form part of the long-term recovery from the pandemic.

## Lifelong Learning

*Ensuring that the Council protects its proud track record of supporting nurseries, schools and colleges to provide a high level of education for all remains a top priority. As well as meeting the needs of all children, opportunities are also made available for adults to continue their learning.*

Prior to the pandemic, CYPS focused on the financial pressures faced by service areas, possible OFSTED inspections planned for the future, the position of academies in the city and the city-wide issue of knife crime and its impact on children and young people.

CYPS also continued to examine developments in respect of key statutory services which included adoption, fostering, edge of care interventions and SEND commissioning. The latter was scrutinised stringently, with requests for consultation outcomes and final key performance indicators to be shared with the commission. On a related matter, CYPS investigated the re-alignment of special school funding and expressed concerns regarding the documentation of parental feedback and the detrimental effect of setting a budget-cap.

In examining the 2021/22 draft revenue budget, CYPS requested a greater depth of scrutiny regarding the SEND transport budget. A further view expressed by the commission in respect of the draft budget concerned their support towards the retention of the connexions service.

CYPS also examined the Youth Justice Plan and raised concerns regarding the comparatively high level of entrants from Leicester into the system. The commission sought a more expansive explanation of work undertaken in respect of links between mental health and youth offending, as well as recommending closer scrutiny of the Knife Crime Strategy.

The commission continued work carried out previously in scrutinising the position of academisation in Leicester. In doing so, it raised concerns on the standards complaints process as well as governance structures and more specifically, the reduction in local governors. Furthermore, CYPS voiced concerns regarding the length of the initial inspection period for a school following academisation and requested closer examination of the role of the Regional Schools Commissioner.

In October 2019, CYPS commissioned an in-depth scrutiny review into 'The Underachievement of 'Black Caribbean' and 'White Working-Class' pupils of secondary school age in Leicester'. The work led to a number of detailed recommendations for schools as well as the City Council. An Executive response to the report was presented to the commission in June 2021 and further dialogue in terms of embedding some of the work that the commission supported will continue throughout the 2021-22 municipal year. In particular, the commission has requested



further insight into the interventions available for young people regarding mental health and plan to explore this via a task and finish group.

A number of other commissions also reviewed work that related to this area. When reviewing library services, NSCI raised concerns relating to the ability to engage with children from hard-to-reach communities. NCSI also queried library opening hours in general and the need for greater provision of digital skills courses, particularly for adults at risk of digital exclusion. Recommendations in respect of enhanced digital infrastructure and investment in further IT equipment within libraries and neighbourhood centres were also put forward. EDTT examined adult learning more generally and when looking at the LASALS service, queried the operation of clawback funding and recommended a more expansive offer in respect of re-skilling.

However, it goes without saying that a significant amount of the scrutiny in respect of learning outcomes and opportunities were in connection with the situation in schools throughout the pandemic. Particular areas of focus included scrutiny of the infection rate within schools where children of key workers were attending, as well as the quality of learning for children who were able to engage in home-schooling. Other identified issues included the confusing and often last-minute advice from the Department of Education, the quality of free school meals, appropriate access to laptops and study tools for children and the impact that the pandemic will have on the mental health of young people and children. CYPE were extremely supportive of the work of all council staff throughout the pandemic in supporting young people and children across the city.

It is envisaged that further work regarding the impact of lockdown on young people and children will be looked into by CYPS, as well as understanding how the upcoming OFSTED inspections will be conducted and finding out more about the impact of consulting on SEND funding for schools.

## A City to Enjoy

*This priority is focussed on enhancing the amenity of the city by developing the festivals offer, making improvements to the arts and museums services and providing capital investment for venues, new workspace and business support for creative businesses and organisations.*

The severity of the lockdown period in Leicester impacted heavily on access to many of Leicester's main amenities and attractions. Many of the regular and most popular festivals were cancelled and scrutiny agendas were dominated by the impacts to services, such as venue closures across the city and staff being redirected to support essential services, as well as the recovery plans for re-opening safely. However, scrutiny continued to play an important role in examining the existing service and its future proposals. The majority of scrutiny in relation to this pledge theme was undertaken by HCLS.

In respect of arts and museums, in summer 2019, HCLS closely examined the use of additional funding provided by the Arts Council. It also spent much of its time looking at the Council's museums service, and made several recommendations in terms of enhancing the service including the carrying-out of more outreach work (especially for hard to reach communities) and requesting that ward councillors be better engaged in terms of community engagement work in respect of the museums service.

In addition, it strongly supported plans to create a dedicated educational space at Leicester Museum and Art Gallery for access by local schools. When examining the museums capital plans, HCLS proposed a transformation of the service's digital offer, and on many occasions, have made suggestions to consider making an overall better use of museum space when undertaking redevelopment work. The commission examined closely the Leicester Museum and Art Gallery redevelopment plans, and whilst being generally supportive of the proposals, sought regular updates on the development programme and budget and sought to undertake a site visit upon the completion of the work.

HCLS also scrutinised the Jewry Wall Museum redevelopment plans on several occasions. A number of information requests were lodged and the dialogue on this issue spanned several meeting rounds. Particular areas of interest included targeted visitor numbers, admission pricing and work to deliver energy saving initiatives in light of the climate emergency. More generally, HCLT challenged the length of time taken in delivering the programme and referred this also to OSC for a more corporate level of examination. An executive decision in relation to the works was called-in by scrutiny, and following lengthy dialogue, the call-in was withdrawn prior to being submitted to Ful Council. HCLS have also monitored the progress of plans

to develop the former Haymarket theatre and the consultation exercise that was undertaken. The commission formed a number of views, principally stating a preference for a multi-purpose facility and seeking assurances that all accessibility requirements be responsibly fulfilled.

Along with EDTT, HCLS was briefed regularly on tourism-related activity and carefully reviewed the newly formed Leicester Tourism Strategy. Many of the comments and recommendations arising from the work focused on communication, including the request to consider a number of potential marketing and advertising campaigns, such as greater TV and radio coverage in relation to local tourism attractions. The continuation of the Council's heritage interpretation panel initiative was also scrutinised, and the commission raised a number of ideas for future panels and also expressed a desire for an improvement of local history education throughout the City's schools.

There were a number of high-profile sporting-related initiatives that were inspected by HCLS. When examining council-operated golf facilities, the commission recommended the exploration of 'golfing pop-ups' within under-utilised open space. Increasing the uptake of sport and leisure was at the heart of the thinking of HCLS's work, particularly in relation to golf services but also when scrutinising the football investment strategy. The commission asked for more work to be undertaken with the aim of increasing participation in sport, particularly amongst 11 to 17 year-olds. When reviewing sports and leisure facilities more generally, it was felt that an enhanced programme of staff training should be undertaken to help consistently achieve a good standard of customer service ratings.



## A Safe and Inclusive City

*This pledge sets out a range of commitments to enhance community support and safety and strives to become even more of an inclusive city. It covers how the City Council engages with the Voluntary and Community Sector (VC) as well as work carried out by the police and other community safety partners.*

Scrutiny work in connection to this particular pledge spanned a range of commissions, with particular focus by NSCI.

NSCI and OSC in particular have been and will continue to be heavily engaged in work that stemmed from the Black Lives Matters movement. Work has become more focused over time with OSC having several opportunities to scrutinise the Council's corporate approach in tackling racism and inequality. In examining the corporate Equality Strategy and Action Plan, OSC encouraged more to be done to improve the level of black and minority ethnic representation at senior levels of the City Council.

Moreover, HWB initiated a review into experiences of black people working in health services in Leicester and Leicestershire and by working with a number of partners in the health sector, the evidence gathering in respect of this review continues into 2021/22.

HCLS also recommended an examination of how historical information was presented within the Council's Arts and Museums service, noting that similar exercises had been undertaken in other part of the country. In addition, CYPS pledged support for widening the scope of racial literacy training and embedding this into the corporate training regime for elected members.

A number of commissions engaged with the Women Talking City Listening Project, which from a scrutiny perspective, helped to place an importance on examining all matters concerning women's safety and led to a more focussed examination, particularly at OSC, around how improvements could be made by the council and its partners.

NSCI has been particularly active in examining community safety matters throughout the two-year period. In reviewing the Council's Community Safety Plan, concerns were raised in respect of cyber fraud as well as a potential spread of ASB and street lifestyle issues to areas of Leicester beyond the city centre and the commission remain committed to monitoring this. Stemming from this work, NCSI have also closely inspected the work of the Public Safety and Noise Control teams, and in respect of the latter, the commission strongly recommended work to help to reduce waiting times in responding to noise nuisance complaints.

NCSI have also maintained a close interest in the development of a knife crime strategy, and have recommended to enhance the level of resources targeted towards youth services and also recommended greater work on educating young people around potential dangers through schools and other agencies. Similarly, other key topics such as Domestic Violence and Sexual Abuse support services have been explored, as well as community safety more generally, with members comments influencing the overall strategy development and a number of consultation exercises. A consistent point raised when examining such areas was the need to increase communication, particularly to elected members.

In looking beyond the remit of the City Council, the commission closely inspected the Safer Leicester Partnership Plan and recommended some joint scrutiny work between HWB and NCSI in respect of alcohol misuse and street drinking.

## What next for scrutiny in Leicester?

This report has covered much of the activity undertaken by scrutiny during the past two years. The period has certainly been unconventional, both in terms of the format and practical sense of scrutiny and also due to scrutiny content being dominated by a focus on the pandemic. Whilst scrutiny began to focus on more typical service-based work, it is already evident that the legacy and impact of the pandemic will typically feature within policy implication moving forward, and as documented elsewhere, scrutiny has already and will undoubtedly continue to examine implications and outcomes from the pandemic over years to come.

Scrutiny in 2021-22 will offer commissions the opportunity to continue to examine some of the most critical work being undertaken across the city and to explore the implications of key issues as they emerge. For instance, scrutiny will be taking a leading role on reviewing the resettlement programme for Afghan refugees welcomed into Leicester after fleeing the hostile situation in their homeland. Scrutiny will maintain its work on some of those major ongoing schemes and programmes as documented within this report including work in relation to women's safety, work stemming from the Black Lives Matter movement, the UHL reconfiguration and work being undertaken in connection with some of the core strategic pledges, including the anti-poverty strategy, the response to the climate emergency and the proposal to consult on the introduction of workplace parking levy in Leicester. Several scrutiny task group reviews have already commenced in the earlier part of 2021-22 with the aim of concluding and forming recommendations by the end of the municipal year.

Scrutiny commissions will continue to inspect policy and programmes as part of their ongoing work and will also convene reviews and task group work as appropriate, undertake visits and invite the participation of external partners and witnesses to assist in helping to draw recommendations for future service delivery. As part of this, it is envisaged to promote wider stakeholder engagement in Leicester's scrutiny activity and in particular, to increase the level of youth participation in scrutiny work and to identify clear roles for those that will engage.

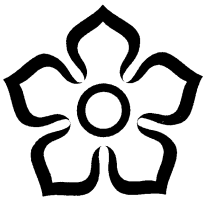
The scrutiny team and lead directors will continue to support the scrutiny process and will ensure that members are equipped with the skills and knowledge to deliver influence when examining scrutiny items. It is envisaged that a programme of scrutiny-based member training will again be delivered throughout 2021-22 and that scrutiny actions and recommendations will continue to be closely monitored in order to fully assess the impact of work undertaken by commissions.

## Contacting Scrutiny

For more information please contact the Scrutiny Team via **[scrutiny@leicester.gov.uk](mailto:scrutiny@leicester.gov.uk)**.

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<https://www.leicester.gov.uk/your-council/decisions-meetings-and-minutes/overview-and-scrutiny/>



Leicester  
City Council

\*\*\*\*\*  
MINUTE EXTRACT  
\*\*\*\*\*

Minutes of the Meeting of the  
OVERVIEW SELECT COMMITTEE

Held: WEDNESDAY, 10 NOVEMBER 2021 at 5:30 pm

P R E S E N T:

Councillor Cassidy (Chair)

Councillor Gee  
Councillor Halford  
Councillor Joel

Councillor Joshi  
Councillor Kitterick  
Councillor Porter

Councillor Thalukdar  
Councillor Westley

Also present:

Sir Peter Soulsby

City Mayor

In Attendance

Councillor Cutkelvin

Assistant City Mayor, Education and Housing

\* \* \* \* \*

**37. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Govind, and Deputy City Mayor Councillor Russell.

**38. DECLARATIONS OF INTEREST**

Members were asked to disclose any pecuniary or other interests they may have in the business on the agenda.

With regards to agenda items, Councillor Westley declared that some of his family Members were tenants of private landlords.

In accordance with the Council's Code of Conduct, these interests were not considered so significant that they were likely to prejudice the Councillor's judgement of the public interest. The Member was not, therefore, required to withdraw from the meeting.

**50. SCRUTINY ANNUAL REPORT 2019 - 2021**

Councillor Cassidy, Chair of the Overview Select Committee presented the draft Scrutiny Annual Report for 2019-21 which summarised activity of each of the Scrutiny Commissions.

The Chair noted the report was usually compiled annually, but no report had been completed for 2019/20 due to the Coronavirus pandemic. The Chair further noted that it had been a difficult period for the Council and the people of Leicester. It was reported that scrutiny had looked carefully at the work undertaken in response to the pandemic and the report included a summary of activity during the period.

The Chair added the report focussed a lot on the pandemic but had not ignored other important work. Given that further scrutiny reviews were continuing, as Chair of Overview Select Committee, he felt that that scrutiny was in good hands in terms of officers working with Members in a positive way, and he hoped the report showed how scrutiny had served as a critical friend to the Executive.

The Chair recommended that the report be presented to the meeting of Full Council on 25 November 2021. This was seconded by Councillor Joel.

**AGREED:**

That the draft Scrutiny Annual Report for 2019-2021 and the Chair's comments be noted and forwarded to the meeting of Full Council on 25 November 2021.

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# **Gambling policy 2022-2025**

Decision to be taken by: Council

Date of meeting: 25 November 2021

Lead director/officer: John Leach, Director of  
Neighbourhood & Environmental Services

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### **Useful information**

- Ward(s) affected: All
- Report author: Rachel Hall, Chief Licensing Officer
- Author contact details: rachel.hall@leicester.gov.uk
- Report version number: 1

## **1. Summary**

- 1.1 The Council is required to publish its statement of gambling policy at least four weeks before it takes effect.
- 1.2 The current statement of gambling policy expires on 31 January 2022.
- 1.3 Consultation has taken place with relevant stakeholders and approval for the new policy will be sought at full Council on 25 November 2021

## **2. Recommended actions/decision**

- 2.1 Council is asked to approve the statement of gambling policy for 2022-2025.

## **3. Scrutiny / stakeholder engagement**

- 3.1 In accordance with the Gambling Act, consultation has taken place with:
  - The Chief Officer of Police
  - Representatives of the gambling trade
  - Representatives of people who may be affected by the Gambling Policy
- 3.2 Holders of existing gambling permissions have also been contacted directly. The consultation has been available on the Council's website between 11 October and 7 November 2021.

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

- 4.1 The Gambling Act 2005 came into effect in 2007. As Licensing Authority, Leicester City Council is required to publish its Gambling Policy for 2022-25 no later than 3 January 2022 (4 weeks before the new policy takes effect).
- 4.2 In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:
  - a) in accordance with any relevant code of practice under s.24
  - b) in accordance with any relevant guidance issued by the Commission under s.2
  - c) reasonably consistent with the licensing objectives (subject to a and b above)
  - d) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).



4.3 No key issues of significance requiring a change in the policy have been raised since it came into effect in February 2019. This policy was not significantly different to the original policy introduced in February 2007.

## 5. Detailed report

5.1 The current statement of gambling policy expires on 31 January 2022. The Council is required to publish its new statement of gambling policy at least four weeks before it takes effect.

5.2 Licensing Authorities may consider having a “no casino” policy, and if they do, this must be included in their Gambling Policy. A “no casino” policy has no effect on existing casinos, but prevents a licensing authority from issuing a new casino licence. The Gambling Act limits the number of new casinos nationally to one regional, eight large and eight small. There are currently no approved locations for such casinos in England and Wales. Leicester City Council has not previously made a ‘no casino’ policy.

5.3 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue casino premises licences and that in passing a resolution a licensing authority may have regard to any principle or matter. Officers are not aware of concerns in relation to the existing casinos in Leicester to indicate that this sector is particularly problematic. There are currently three licensed casinos in the city, two of which are operational.

5.4 A local area profile has been produced for Leicester and is available on the Council’s website at [Gambling licensing \(leicester.gov.uk\)](http://leicester.gov.uk/gambling-licensing). It was first produced in April 2019 and is updated regularly. Existing and new operators are expected to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives.

5.5 The existing policy has been updated, with the changes being those required to bring the policy up to date and align it with revised guidance from the Gambling Commission.

5.6 In view of the minimal changes it was appropriate to carry out a light touch consultation, referencing the amendments and asking for comments on the proposed policy.

5.7 The Gambling Act 2005 states that the licensing authority must consult the following before determining its statement of gambling policy:

- The Chief Officer of Police
- Representatives of the gambling trade
- Representatives of people who may be affected by the Gambling Policy

5.8 Consultation has taken place with the above parties and also with other relevant stakeholders such as councillors and charities/services for people adversely

affected by gambling. The consultation was available on the Council's website between 11 October and 7 November 2021.

- 5.9 The draft policy was considered by the Neighbourhoods Scrutiny Commission on 21 October 2021. Neighbourhoods Scrutiny recommended that Council consider whether to make a "No casinos" resolution and to raise awareness of online gambling.
- 5.10 The consultation responses are attached at Appendix A, together with officer comments.
- 5.11 The draft policy and consultation responses were considered by the Licensing & Public Safety Committee on 15 November 2021. The Committee did not support a "no casino" policy and did not feel it necessary to amend the suitability or unsuitability of locations for gambling premises. The Committee proposed no other changes to the draft policy.
- 5.12 Notwithstanding the above, further discussions have taken place with colleagues in the Legal department about the inclusion in the policy of a table setting out the suitability or unsuitability of locations for gambling premises. Section 5.34 of the Gambling Commission guidance says "*An authority's decision cannot be based on ... a general notion that it is undesirable to allow gambling premises in an area ...*". For this reason officers are now of the view that the table should be removed. However, noting Members' concerns about potential locations, additional information has been added in relation to local risk assessments. This highlights the importance of taking account of local risks, which can be identified using the online Local Area Profile.
- 5.13 The updated policy is attached at Appendix B and a summary of the changes is attached at Appendix C.
- 5.14 Licensing authorities have a duty to aim to permit gambling as set out in paragraph 4.2 above. In determining an application for a gambling licence it is not for a licensing authority to have a view on any impact gambling may have on individuals or communities. However, as a local authority Members may wish to note the observations of colleagues in Public Health, who say that problem gambling is considered a public health issue for the following reasons;
- a) The impact of problematic gambling is not just on the gambler but on their family friends and wider society (i.e it affects a lot of people)
  - b) There is an inequality in terms of the detrimental effects of problem gambling. E.g. people from a BAME background are less likely to gamble overall but are more likely to classify as a problematic gambling. Similarly people classified as unskilled/manual workers gamble less but experience more harmful effects. (i.e it exacerbates health inequalities)
  - c) There is a strong link between problematic gambling and other harmful behaviours such as excess alcohol consumption and other health conditions such as mental health issues.
  - d) There is also a difference in terms of take up of treatment and support services with people from a BAME background and lower Socioeconomic status less likely to access services

5.15 Licensed gambling establishments must comply with the law and with relevant codes of practice issued by the Gambling Commission, including age restrictions and the provision of signposting to organisations offering support

5.16 Once approved by full Council the policy must be published at least 4 weeks before it takes effect on 1 February 2022.

## **6. Financial, legal, equalities, climate emergency and other implications**

### 6.1 Financial implications

Premises licence fees are set based on the type of premises, with a prescribed maximum fee for each type. Licensing authorities are able to set licence fees so as to ensure full cost recovery, subject to these caps. Over the life of the policy being proposed in this report, fees will be subject to periodic review to ensure that all costs are being recovered.

Stuart McAvoy, Principal Accountant, Ext 37 4004

### 6.2 Legal implications

Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Licensing Policy Statement. The Licensing Policy Statement will last for a maximum of 3 years, but can be reviewed and revised by the authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act during the 3 year period to which the Policy applies. Any revision must be published before it is given effect.

The statement must be produced following widespread consultation with

- 1) the chief officer of Police for the authority's area
- 2) persons who appear to the authority to represent the interests of the persons carrying on gambling businesses within the area, and
- 3) persons who appear to the authority to represent the interests of persons who are to be affected by the exercise of the authority's functions under the Act.

The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the form of Licensing Policy Statements and the procedures to be followed in relation to preparing, revision and publication of the Statements.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 states that determining the Licensing Authority Policy Statement is not a function within the sole responsibility of the executive. Therefore it has to be considered by the Cabinet and approved by full Council before it is published.

Under S.166 (1) of the Gambling Act 2005, a Licensing Authority may resolve not to issue casino premises licences and adopt a 'no casino policy'. In passing such a resolution, a Licensing Authority may have regard to any principle or matter.

A resolution under Subsection (1) –

- (a) must apply to the issue of casino premises licences generally,
- (b) must specify the date on which it takes effect,
- (c) may be revoked by a further resolution, and
- (d) shall lapse at the end of the period of three years beginning with the date on which it takes effect (without prejudice to the ability to pass a new resolution).

Katherine Jamieson, Legal Services, Ext 37 1452

### 6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

If the proposed policy is agreed this could have an impact on people from across a range of protected characteristics, with one of the objectives of the policy being to protect vulnerable persons from being harmed or exploited by gambling. Equality considerations need to be embedded throughout the policy and an Equality Impact Assessment is currently underway. The EIA should inform the process going forward, taking into account any consultation feedback.

Sukhi Biring, Equalities Officer, 454 4175

### 6.4 Climate Emergency implications

There are no significant climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

### 6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

## **7. Background information and other papers:**

None

**8. Summary of appendices:**

Appendix A – consultation responses and officer comments

Appendix B – revised draft statement of gambling policy following consultation

Appendix C – summary of proposed changes to gambling policy

**9. 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

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

No

## APPENDIX A – Consultation responses and officer comments

### Comments received in response to consultation on Gambling Policy for 2022-25

Respondent type	Comments	Officer response
Existing licence holder	We are happy with it.	Noted
Existing licence holder	All amendments appear to be relevant	Noted
Business operating in Leicester	I think it's possible to protect to children with this act.	Noted
Organisation	<p>Your table on page has the following :-            CATEGORY - Pubs with Gaming Machines            SUITABLE - • City Centre • Local Shopping Centres            UNSUITABLE - • Residential Areas • Near sensitive locations eg schools and places of worship</p> <p>The 'unsuitability' makes no sense at all. They are licensed premises therefore children aren't allowed in any way, without an adult, and with the vast majority of pubs nowadays, the reason children are there is because they are dining with their parents. Places of worship are irrelevant.</p> <p>This is an antiquated assessment of what's suitable and what isn't which doesn't take into account the way the trade has changed in recent years. All machines in our pub chain) are sited within sight of the bar therefore a manager always has a view of who is in the area of the machine.</p>	<p>Section 145 of the Licensing Act 2003 refers to unaccompanied children being prohibited from certain premises. The effect of this section is that children under the age of 16 are not permitted on premises that are <u>exclusively or primarily</u> used for the supply of alcohol for consumption on the premises at any time when they are open for that purpose, or on any premises open for the purposes of being used for the supply of alcohol for consumption there between midnight and 5am. This means that unaccompanied children are allowed on licensed premises outside the above restrictions.</p> <p>The respondent is not necessarily representative of all operators with respect to oversight of gaming machines.</p> <p>The Gambling Act 2005 gives an automatic entitlement of up to two gaming machines to</p>

		premises licensed for the sale of alcohol for consumption on the premises. The Council's licensing policy refers to applications for additional machines, as this is where the Council has discretion. Members may wish to consider whether the suitability / unsuitability of residential areas and sensitive locations should be updated.
Business operating in Leicester	Seems ok	Noted
Resident of Leicester	I agree with your proposed changes	Noted
Existing licence holder	None	Noted
Responsible authority (Fire Service)	Noted and in agreement with amendments including those regarding Section 8 Other Regulatory Regimes.	Noted
Resident of Leicester	I don't care	Noted
<b>Additional written responses</b>		
Three formal written responses were received. These have been considered in full by the Licensing & Public Safety Committee, but pertinent comments are as below:		
GambleAware (Appendix 1)	Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published <a href="#">interactive maps</a> useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and	Officers have reviewed the interactive maps and supporting data. Whilst interesting, there is concern about the accuracy of the maps, particularly at Ward level, due to the demographic of the survey participants (ie, around 90% white) compared to that of the city of Leicester.

	<p>reported demand for, treatment and support for gambling harms.</p> <p>Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the <b>National Gambling Helpline on 0808 8020 133</b> and also <a href="http://www.begambleaware.org">www.begambleaware.org</a>. Both are part of the <b>National Gambling Treatment Service</b> and offer free, confidential advice and support for those who may need it.</p>	<p>Noted. These services are included in the document to accompany the gambling policy.</p>
<p>Gosschalks on behalf of Betting &amp; Gaming Council (Appendix 2)</p>	<p>Within paragraph 2 of Part B, there is a table that suggests suitable and unsuitable locations for gambling premises. This table suggests that unsuitable locations for gambling premises include residential areas and <i>“near sensitive locations eg schools and places or worship.”</i> This table should be removed. There is no evidence to support the Licensing Authority’s assertion that the operation of gambling premises in these locations would pose any risk to the licensing objectives. Indeed, gambling premises such as betting offices have been part of the urban landscape for almost 60 years. These have always been situated in areas of high population or footfall without causing any difficulties to the surrounding population.</p>	<p>This is a similar comment to the one raised above in relation to gaming machines in alcohol licensed premises. Members may wish to consider whether the suitability / unsuitability of residential areas and sensitive locations should be updated.</p>



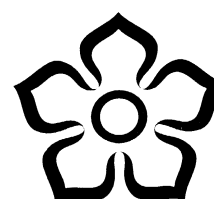
	<p>This table should be removed with matters left simply on the basis that each case should be determined on its own merits.</p> <p>The suggestion that a “sensitive location” may include a place of worship is directly contrary to the Gambling Commission Guidance that is clear that moral or ethical objections to gambling are irrelevant considerations.</p> <p>Paragraph 5 explains the Licensing Authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a clear explanation that the mandatory and default conditions that attach to all premises licences are intended to be, and usually are, sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the applicant’s local area risk assessment.</p> <p>It is important that the policies and procedures to mitigate risks are dealt with in the risk assessment rather than by way of licensed conditions as the risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks may be changed very quickly. However, if the mitigation measures are the subject of premises</p>	<p>Agreed and the draft policy has been amended accordingly.</p> <p>Agreed and the draft policy has been amended accordingly.</p>
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		<p>licence conditions, then an application for variation of the premises licence will be required to change these conditions. This could delay any change and would cause unnecessary expense and administration for both operators and the Licensing Authority.</p>	
<p>Friends of Clarendon Park (Appendix 3)</p>	<p>of Park</p>	<p>We do not have any comments on the proposed amendments to the statement of gambling.</p> <p>Although a link to the draft policy for 2022 to 2025 is provided on page 2 of 5 of the online consultation, it would have made the consultation easier to respond to if a link to both the draft version (2022 to 2025) and the current version (2019 to 2021) were provided on the consultation's home page.</p> <p><i>Gambling Local Area Profile</i></p> <p>There are a few corrections that should be made to the web mapping system:</p> <ol style="list-style-type: none"> <li>1. 16 Queens Road is labelled as Friends Meeting House, but refers to itself as Leicester Quaker Meeting House</li> <li>2. 24 Avenue Road is labelled as The Synagogue but refers to itself as Leicester Progressive Jewish Community</li> <li>3. 5 Granville Road is not labelled but refers to itself as True Jesus Church</li> </ol>	<p>Noted</p> <p>Noted</p> <p>These premises are shown as places of worship on the local area profile, with the information provided from outside the Licensing team. These comments have been forwarded to the appropriate team for information.</p>

**APPENDIX B – revised draft statement of gambling policy  
following consultation**

# **LEICESTER CITY COUNCIL**

## **STATEMENT OF GAMBLING POLICY**



**Leicester**  
City Council

# Leicester City Council

## Statement of Gambling Policy

Item	Page
<b>Part A</b>	
1. The licensing objectives	2
2. Introduction	2
3. Declaration	4
4. Responsible Authorities	4
5. Interested parties	5
6. Exchange of information	5
7. Enforcement	6
8. Other regulatory regimes	7
9. Licensing authority functions	7
<b>Part B - Premises licences</b>	
1. General Principles	8
2. Location	8
3. Duplication with other regulatory regimes	8
4. Local area risk assessments	8
5. Conditions	9
6. Door Supervision	10
7. Casinos	11
<b>Part C – Permits</b>	
1. Unlicensed Family Entertainment Centres	12
2. Alcohol Licensed premises gaming machine permits	12
3. Prize Gaming Permits	13
4. Club Gaming & Club Machine Permits	13
5. Temporary Use Notices	14
6. Occasional Use Notices	15
7. Small Society Lotteries	16

## **PART A**

### **1. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005 (the Act), the City Council must have regard to the licensing objectives as set out in Section 1 of the Act.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.” Guidance issued to licensing authorities by the Gambling Commission<sup>1</sup> refers to the National Strategy to Reduce Gambling Harms<sup>2</sup>, and notes that experience suggests that close working between licensing authorities and public health colleagues can deliver important results in relation to the third objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”.

The Act requires that the City Council should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing policy

### **2. Introduction**

Leicester City Council is a unitary authority situated in the County of Leicestershire. The Council area has a population of 330,000 (2011 Census), covering 73.09 square kilometres (28.22 square miles).

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<sup>1</sup> [Guidance to licensing authorities - Gambling Commission](#)

<sup>2</sup> [Reducing Gambling Harms - Gambling Commission](#)



The City Council is required by the Gambling Act 2005 to publish a statement of the principles that it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

Leicester City Council consulted upon this policy statement before finalising and publishing it. A list of the persons we consulted directly is provided below. It also enabled consultation via its website and sent out copies of the draft policy and questionnaire on request.

The Gambling Act requires that licensing authorities consult:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.

The City Council consulted the following:

- Leicestershire Police
- Existing providers of gambling facilities in Leicester:
- Leicester City Council’s Children’s Services Department
- Leicester City Council’s Public Health Department
- Other consultees:
  - Betting and Gaming Council
  - Lotteries Council

- BACTA
- Bingo Association
- British Horseracing
- Remote Gambling Association
- Advertising Association
- National Casino Forum
- Gamcare
- Salvation Army

Our consultation took place between 11 October and 7 November 2021. The policy was approved at a meeting of the Full Council on xxxx.

Should you have any comments about this policy statement please send them via e-mail or letter to the following contact:

Name: Licensing Team Manager

Address: Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

E-mail: [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

In producing this licensing policy statement, the City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

### **4. Responsible Authorities**

The City Council has designated the Local Safeguarding Children Partnership Board as the body it considers competent to advise the authority about the protection of children from harm. The principles applied by the City Council in making this designation are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

The Responsible Bodies under the Gambling Act 2005 are:

- Leicester City Council Licensing and Public Safety Committee
- The Gambling Commission
- Leicestershire Police
- Leicestershire Fire and Rescue Service
- Leicester City Council Development Control Team
- Leicester City Council Environmental Health
- Leicester City Council Local Safeguarding Children Partnership Board
- HM Customs and Excise

Their contact details are available via the Council's website at:  
[www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing).

## **5. Interested parties**

Interested parties can make representations about licence applications or apply for an existing licence to be reviewed. Interested parties are defined in the Gambling Act 2005 as a person that -

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b).

The licensing authority is required to state the principles it will apply in determining whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- The City Council will not apply a rigid rule to its decision making, and will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities (8.9-8.17)

Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these persons, the City Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of those persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section:

- by telephone - (0116) 454 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## **6. Exchange of Information**

Licensing authorities are required to include in their policy statement the principles to be applied by the authority with respect to the exchange of information with the Gambling Commission, and with those bodies listed in schedule 6 to the Act that

- have functions under the Act,
- are enforcement or regulatory bodies, or
- are sport governing bodies.

The principle that the City Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. This includes the provision that the General Data Protection Regulation will not be contravened. The City Council will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any



relevant regulations issued by the Secretary of State under the powers provided in the Act 2005.

Should any protocols be established regarding information exchange with other bodies then they will be made available.

Please contact the Licensing section for further information:

- by telephone - (0116) 454 3040
  - by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## **7. Enforcement**

Licensing authorities are required to state the principles they will apply when inspecting premises and taking criminal proceedings in respect of offences under the Act.

The City Council's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: intervening only when necessary and ensuring remedies are appropriate to the risk posed, and costs identified and minimised;
- Accountable: being able to justify decisions, and be subject to public scrutiny;
- Consistent: ensuring rules and standards are joined up and implemented fairly;
- Avoiding duplication with other regulatory regimes as far as possible;
- Transparent: being open, and keeping requirements simple and user friendly; and
- Targeted: focusing on the problem, and minimising side effects.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the Licensing department

- by telephone - (0116) 454 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

Our risk methodology is also available upon request.

## **8. Other regulatory regimes**

Leicester City Council will endeavour to avoid duplication with other regulatory regimes, such as legislation covering employment, health and safety and fire safety.

## **9. Licensing Authority functions**

Licensing Authorities are required to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* which wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue *Club Machine Permits to Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol on-licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for alcohol on-licensed premises (under the Licensing Act 2003), where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- Set and collect fees

Licensing authorities will not be involved in licensing remote gambling, including online gambling and the National Lottery. This will be the responsibility of the Gambling Commission via Operator Licences.

## **PART B PREMISES LICENCES**

### **1. General principles**

Premises licences are subject to the permissions, restrictions and conditions set out in the Gambling Act 2005 and Regulations. Licensing authorities are able to exclude certain of these conditions and also attach others, where they consider this is appropriate.

In exercising its functions under the 2005 Act, section 153 states that the licensing authority shall aim to permit the use of premises for gambling insofar as the authority thinks it:

- e) in accordance with any relevant code of practice under s.24
- f) in accordance with any relevant guidance issued by the Commission under s.2
- g) reasonably consistent with the licensing objectives (subject to a and b above)
- h) in accordance with the licensing authority's statement of licensing policy (policy statement) (subject to a to c above).

### **2. Location**

The demand for gambling premises cannot be considered with regard to the location of premises, but matters concerning the licensing objectives can be considered. The City Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as preventing crime and disorder.

### **3. Local Area Profiles**

The City Council will maintain a local area profile. The area profile will be held on the City Council's website [www.leicester.gov.uk/licensing](http://www.leicester.gov.uk/licensing) and will be updated from time to time.

The Gambling Commission's licence conditions and codes of practice require operators of existing and new gambling premises to consider local risks to the licensing objectives that may be posed by the provision of gambling facilities at each of their premises. This includes a requirement to have policies, procedures and control measures to mitigate those risks. In carrying out this obligation, operators must take account of relevant matters identified in the licensing authority's statement of policy.

The City Council expects existing and new operators to take into account the profile when determining what steps they need to take to mitigate risk and to promote the licensing objectives. This is in addition to reference to this statement of policy, and particularly to part B.

### **4. Local risk assessments**

The Gambling Commission has introduced social responsibility code provisions that require operators of premises-based businesses to conduct local risk assessments<sup>3</sup>, and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances<sup>4</sup>.

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<sup>3</sup> [LCCP Condition - Gambling Commission](#)

<sup>4</sup> [LCCP Condition - Gambling Commission](#)

Paragraph 6.42 of the Gambling Commission guidance says “Social responsibility (SR) code [10.1.1](#) requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority’s policy statement.”

Paragraph 6.46 of the guidance says “Where a licensing authority’s policy statement sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.”

The licensing authority is of the view that gambling operators should take account of the general area in which their premises are situated. The local area profile includes details of the location of educational establishments, community facilities and places of worship as well as the locations of other licensed gambling premises. This information is relevant to the licensing objectives, particularly the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

The policies and procedures to mitigate risks should be dealt with in the risk assessment rather than by way of licence conditions as the risk assessment is a dynamic document and (in accordance with Social Responsibility Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures, and mitigation measures to address those identified risks may be changed very quickly, whereas licence conditions may only be changed via formal application to the licensing authority.

## **5. Conditions**

The ‘aim to permit’ framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.

The mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the applicant’s local area risk assessment.

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- reasonably consistent with the licensing objectives; and

- reasonable in all other respects.

Decisions about individual conditions will be made on a case-by-case basis. The City Council will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Locating gaming machines in direct line of sight from a staffed counter to promote the protection of children and vulnerable adults
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and merely gives examples of measures.

The City Council will also consider specific measures that may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in gambling premises that admit children, in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes

## **6. Door Supervisors**

The City Council believes that adequate door supervision has an important role to play in promoting the licensing objectives, and will consider whether there is a need for door supervision on a case-by-case basis. Door supervision may provide benefits in terms of preventing children from entering adult only areas and preventing crime and disorder. In assessing the need for door supervision, the City Council will take into account the location of the premises, the likely clientele and the history of the premises.

The Gambling Act 2005 has amended the Private Security Industry Act 2001 so that in-house door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the Security Industry Authority. However, the City Council considers that registration with the SIA brings benefits in terms of training and establishing that the door supervisor is a suitable person. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc. It will therefore consider whether, in individual cases, it should apply a condition that door supervisors should be registered with the SIA. This decision will be influenced by the manner in which door supervision is undertaken and the likely clientele.

## **7. Casinos**

### *No Casinos resolution*

The City Council has not passed a 'no casino' resolution, but is aware that it has the power to do so. If it were to do so in the future, this policy statement will be updated with details. Any such decision would be made by the Full Council, and would not affect existing casinos licensed before the coming into force of the Gambling Act 2005.

### *Responsibility in Gambling*

The City Council supports responsibility in gambling and envisages that any proposal for a new casino will embrace this aim.

## **PART C Permits**

### **1. Unlicensed Family Entertainment Centres**

Where a premises is not licensed, but the applicant wishes to provide gaming machines, they may apply to the licensing authority for an Unlicensed Family Entertainment Centre gaming machine permit.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

#### *Statement of Principles*

The principles that Leicester City Council has adopted requires the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include

- DBS checks for staff
- a policy on the suitability of staff, taking into account convictions for violence, dishonesty, sexual offences, certain motoring offences.
- appropriate measures / training for staff as regards suspected truant school children on the premises
- training for staff to ensure a full understanding of the maximum stakes and prizes.
- measures / training covering how staff would deal with unsupervised very young children being on the premises
- children causing perceived problems on / around the premises.

In addition to the above, the City Council will also expect that:

- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

### **2. Alcohol Licensed premises gaming machine permits**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued

by the Gambling Commission about the location and operation of the machine has been complied with)

- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than 2 machines, an application for a permit is needed. The City Council will decide each application on a case-by-case basis but will make its decision based on the licensing objectives and any other matters it considers relevant, which may include:

- the location and size of the premises
- expected clientele
- how the applicant intends to protect children and vulnerable persons from harm or being exploited by gambling
- the measures proposed by the applicant to ensure that anyone under 18 does not have access to the adult only gaming machines, which could include:
  - adult machines being in sight of the bar
  - arrangements for supervision by staff
  - notices and signage
- provision of information leaflets / helpline numbers for organisations such as GamCare.

### **3. Prize Gaming Permits**

It should be noted that a licensing authority cannot attach conditions to this type of permit.

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.

The principles that Leicester City Council has adopted require the applicant to show that:

- the applicant should set out the types of gaming that he or she is intending to offer
- the applicant should be able to demonstrate that:
  - they understand the limits to stakes and prizes that are set out in Regulations; and
  - the gaming offered is within the law
- the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).

### **4. Club Gaming and Club Machines Permits**

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. Members' clubs, miners' welfare institutes and commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).



A licensing authority may only refuse to grant a club gaming or machine permit under certain circumstances specified in the Act. In deciding whether to grant a permit, the licensing authority must have regard to any guidance issued by the Gambling Commission and the licensing objectives. A licensing authority may not attach conditions to a permit.

## **5. Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities

## **6. Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **7. Small Society Lotteries**

This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns

- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority to seek further advice:

- by telephone - (0116) 454 3040
- by email - [licensing@leicester.gov.uk](mailto:licensing@leicester.gov.uk)
- by post - Licensing Section, Leicester City Council, York House, 91 Granby Street, Leicester, LE1 6FB

## Appendix C – summary of proposed changes to gambling policy

Note: Items shown in **bold** have been added following public consultation.

### PART A

#### *Section 1 – The Licensing Objectives*

- Added sentence “Guidance issued to licensing authorities by the Gambling Commission refers to the National Strategy to Reduce Gambling Harms, and notes that experience suggests that close working between licensing authorities and public health colleagues can deliver important results in relation to the third objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”.”
- Added two footnotes.

#### *Section 2 – Introduction*

- Added Public Health department as a consultee.
- **Deleted Association of British Bookmakers and replaced with Betting and Gaming Council**
- Deleted consultation dates pending update for final version.

#### *Section 4 – Responsible authorities*

- Updated title of Local Safeguarding Children Partnership Board.

#### *Section 7 – Enforcement*

- Updated title of Office for Product Safety and Standards.

#### *Section 8 – Other regulatory regimes*

- New section referring to not duplicating other regulatory regimes.

#### *Section 9 – Licensing Authority functions*

- Added function “Set and collect fees”
- **Updated to clarify that remote gambling includes online gambling and the National Lottery**

### Part B

#### *Section 1 – General principles*

- Added extract from Gambling Act 2005 to clarify the authority’s duty to aim to permit the use of premises for gambling.

#### *Section 2 – Location*

- **Removed table setting out locations that are considered suitable or unsuitable for gambling premises (see additional of new paragraphs to Section 4 regarding local risks)**

#### *Section 3 – Local Area Profiles*

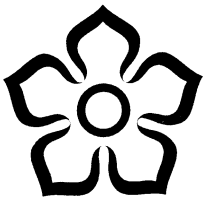
- Updated to show the Local Area Profile has been produced.

#### *Section 4 – Local Risk Assessments*

- New section to reflect Gambling Commission guidance, plus two footnotes.
- **Added additional paragraphs to highlight the importance of operators referring to the local area profile to take account of local risks when producing their risk assessments**
- **Added additional paragraph to say that the mitigation of risk should be dealt with in the risk assessment rather than by licence conditions.**

#### *Section 5 – Conditions*

- New sentence added “The ‘aim to permit’ framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement.”
- **Added new paragraph referring to mandatory and default conditions.**



Leicester  
City Council

\*\*\*\*\*  
MINUTE EXTRACT  
\*\*\*\*\*

Minutes of the Meeting of the  
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: MONDAY, 15 NOVEMBER 2021 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Fonseca

Councillor Westley

Councillor Gee

\* \* \* \* \*

**64. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Byrne, Govind, Pickering and Shelton.

**65. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**71. GAMBLING POLICY 2022-2025**

The Director of Neighbourhood and Environmental Services submitted a report to the Licensing and Public Safety Committee. It was noted the Council was required to publish its statement of Gambling Policy at least four weeks before it took effect, with the current statement of gambling policy due to expire on 31 January 2022.

Members were recommended to make any comments on the proposed policy and the consultation responses prior to the proposed policy being reported to Full Council on 25 November for approval.

The Chief Licensing Officer presented the report. It was noted that consultation has taken place with responsible authorities and existing gambling licence holders. Members were informed that the Gambling Act 2005 had come into effect in 2007. In looking at the guidance from the Gambling Commission there were no key issues of significance in the Council's Gambling Policy that required changing.

Members of the Committee were informed that, as had been discussed at the

Neighbourhood Services Scrutiny Commission meeting, Local Authorities might consider having a “no casino” policy. It was noted that Leicester had licences for up to three casinos in the city, of which two were currently in use. After discussion, Members did not support the Authority having a ‘No Casino’ policy and proposed no changes to the draft Gambling Policy.

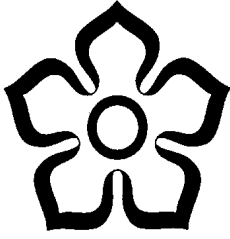
Members further discussed the suitability and unsuitability of locations of gambling establishments. Members concluded that they did not believe that the draft Gambling Policy should be changed with regards to the sensitivity of locations of gambling premises and recognised that each case would be discussed on its own merits.

The Chair thanked the officer for the report.

AGREED:

That the Licensing and Public Safety Committee:

1. Did not support the ‘No Casino’ policy and proposed no changes to the draft Gambling Policy;
2. Did not feel it necessary to amend draft Gambling Policy with regards to the sensitivity of the location of gambling establishments;
3. Proposed no other changes to the draft Gambling Policy and referred the report to Full Council on 25 November 2021 for approval.



Leicester  
City Council

**WARDS AFFECTED:**  
ALL

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

<b>Audit and Risk Committee</b>	<b>24 November 2021</b>
<b>Council</b>	<b>25 November 2021</b>

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## **DECISION TO OPT INTO THE NATIONAL SCHEME FOR AUDITOR APPOINTMENTS MANAGED BY PSAA AS THE 'APPOINTING PERSON'**

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### **Report of the Deputy Director of Finance**

#### **1 PURPOSE OF REPORT**

- 1.1 This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24 to 2027/28.

#### **2 RECOMMENDATIONS**

- 2.1 Audit and Risk Committee is asked to recommend to Council that the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.
- 2.2 Council is recommended to accept Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

#### **3 SUMMARY**

- 3.1 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.
- 3.2 PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023/24 to 2027/28. During Autumn 2021 all local
-

government bodies need to make important decisions about their external audit arrangements from 2023/24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.

3.3 The report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:

- collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
- if it does not use the national appointment arrangements, the Council will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;
- it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and
- supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.

3.4 If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

## **4 REPORT**

4.1 Under the Local Government Audit & Accountability Act 2014 ("the Act"), the Council is required to appoint an auditor to audit its accounts for each financial year. The Council has three options;

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.
- To act jointly with other authorities to procure an auditor following the procedures in the Act.
- To opt into the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).



4.2 In order to opt into the national scheme, a council must make a decision at a meeting of the Full Council.

### **4.3 The Appointed Auditor**

4.3.1 The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Best Value assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

4.3.2 The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.

4.3.3 The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) and employ authorised Key Audit Partners to oversee the work. As the report below sets out, there is currently a shortage of registered firms and Key Audit Partners.

4.3.4 Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.

4.3.5 Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

### **4.4 Appointment by the Council itself or jointly**

4.4.1 The Council may elect to appoint its own external auditor under the Act, which would require the Council to;

- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members would not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
- Manage the contract for its duration, overseen by the Auditor Panel.

4.4.2 Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this would need to be constituted of wholly

or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

#### **4.5 The national auditor appointment scheme**

4.5.1 PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

4.5.2 In summary the national opt-in scheme provides the following:

- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
- appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
- ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
- minimising the scheme management costs and returning any surpluses to scheme members;
- consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
- consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and
- ongoing contract and performance management of the contracts once these have been let.

#### **4.6 Pressures in the current local audit market and delays in issuing opinions**

4.6.1 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had

been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

- 4.6.2 During 2018 a series of financial crises and failures in the private sector led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.
- 4.6.3 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.
- 4.6.4 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
- 4.6.5 None of these problems is unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

## **4.7 The invitation**

4.7.1 PSAA is now inviting the Council to opt in for the second appointing period, for 2023/24 to 2027/28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor. Details relating to PSAA's invitation are provided in the Appendices to this report.

## **4.8 The next audit procurement**

4.8.1 The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:

- seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
- continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);
- continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5m to relevant bodies and in 2021 a further £5.6m was returned.

4.8.2 PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.

4.8.3 The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office)<sup>1</sup>, the format of the financial statements (specified by CIPFA/LASAAC) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.

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<sup>1</sup> MHCLG's Spring statement proposed that overarching responsibility for Code will in due course transfer to the system leader, namely ARGA, the new regulator being established to replace the FRC.

4.8.4 There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.

#### **4.9 Assessment of options and officer recommendation**

4.9.1 If the Council did not opt in, there would be a need to establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members would not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.

4.9.2 Alternatively, the Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

4.9.3 These would be more resource-intensive processes to implement for the Council, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the Council's ability to affect quality.

4.9.4 The Council and its auditor panel would need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit.

4.9.5 The national offer provides the appointment of an independent auditor with limited administrative cost to the Council. By joining the scheme, the Council would be acting with other councils to optimise the opportunity to influence the market that a national procurement provides.

4.9.6 The recommended approach is therefore to opt into the national auditor appointment scheme.

## **4.10 The way forward**

4.10.1 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as a whole).

4.10.2 The Council then needs to respond formally to PSAA's invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022). This is attached at Appendix B.

4.10.3 PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

## **4.11 Risk Management**

4.11.1 The principal risks are that the Council:

- fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or
- does not achieve value for money in the appointment process.

4.11.2 These risks are considered best mitigated by opting into the sector-led approach through PSAA.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1 Financial Implications**

It is likely that current external audit fee levels will increase when the current contracts end. It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local (external) audit market.

Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large-scale collective procurement arrangement.

If the national scheme is not used, additional resource would be needed to establish an auditor panel and conduct a local procurement.

Until a procurement exercise is completed, it is not possible to state what additional funds may be required for audit fees from 2023/24.

*Colin Sharpe, Deputy Director of Finance, ext. 37 4081*

## **5.2 Legal Implications**

The relevant legislation is the Local Audit and Accountability Act 2014 and the subordinate Local Audit (Appointing Person) Regulations 2015. Under the provisions the Council is obliged to:

- appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year
- follow the process contained therein
- allocate the appointment as a function of Council

Through the Act and the Regulations, the Secretary of State has appointed PSAA as the appointing person for the purposes of the audit function. Through the proposal to accept Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors, the Council will be meeting its legal requirement with regards to the appointment of a local auditor as a result of the above legal framework.

The process detailed within the report that will be taken by PSAA to appoint the provider will comply with the procurement requirements and is therefore considered a compliant route of appointment in procurement terms.

Any resulting documentation the Council is required to enter into will need to be reviewed via legal services for a highlight report of terms and also signed in accordance with the constitutional requirements.

Emma Jackman, Head of Law (Commercial, Property and Planning)

Ext.37 4216

## **5.3 Climate Change and Carbon Reduction implications**

There are no significant climate emergency implications associated with this report.

Aidan Davis, Sustainability Officer, ext 37 2284

## **5.4 Equalities Implications**

Under the Equality Act 2010, public authorities have a Public Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

The report recommendation is to accept Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

There are no direct equality implications arising from the report.

Equalities Officer, Surinder Singh, ext 37 4148

## **5.5 Other Implications**

None.

## **6. Background papers and Other Information**

None

## **7. Is this a private report**

No

## **8. Is this a "key decision"?**

No

## **9. APPENDICES**

A Invitation to opt into the national scheme for auditor appointments from April 2023

B Form of notice of acceptance of the invitation to opt in.

## **REPORT AUTHOR**

Colin Sharpe, Deputy Director of Finance



### Invitation to opt into the national scheme for auditor appointments from April 2023



22 September 2021

To: Ms Greenhill, Chief Executive  
Leicester City Council

Copied to: Ms Greenhill, S151 Officer  
Councillor Kaur Saini, Chair of Audit Committee or equivalent

Dear Ms Greenhill,

#### Invitation to opt into the national scheme for auditor appointments from April 2023

I want to ensure that you are aware the external auditor for the audit of your accounts for 2023/24 has to be appointed before the end of December 2022. That may seem a long way away but, as your organisation has a choice about how to make that appointment, your decision-making process needs to begin soon.

We are pleased that the Secretary of State has confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023. Joining PSAA's national scheme for auditor appointments is one of the choices available to your organisation.

In June 2021 we issued a draft prospectus and invited your views and comments on our early thinking on the development of the national scheme for the next period. Feedback from the sector has been extremely helpful and has enabled us to refine our proposals which are now set out in the [scheme prospectus](#) and our [procurement strategy](#). Both documents can be downloaded from our website which also contains a range of useful information that you may find helpful.

The national scheme timetable for appointing auditors from 2023/24 means we now need to issue a formal invitation to you to opt into these arrangements. In order to meet the requirements of the relevant regulations, we also attach a form of acceptance of our invitation which you must use if your organisation decides to join the national scheme. We have specified the five consecutive financial years beginning 1 April 2023 as the compulsory appointing period for the purposes of the regulations which govern the national scheme.

Given the very challenging local audit market, we believe that eligible bodies will be best served by opting to join the scheme and have attached a short summary of why we believe that is the best solution both for individual bodies and the sector as a whole.

I would like to highlight three matters to you:

1. if you opt to join the national scheme, we need to receive your formal acceptance of this invitation by Friday 11 March 2022;

18 Smith Square, London, SW1P 3HZ

2. the relevant regulations require that, except for a body that is a corporation sole (e.g. a police and crime commissioner), the decision to accept our invitation and to opt in must be made by the members of the authority meeting as a whole e.g. Full Council or equivalent. We appreciate this will need to be built into your decision-making timetable. We have deliberately set a generous timescale for bodies to make opt in decisions (24 weeks compared to the statutory minimum of 8 weeks) to ensure that all eligible bodies have sufficient time to comply with this requirement; and
3. if you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2023. We are required to consider such requests and agree to them unless there are reasonable grounds for their refusal. PSAA must consider a request as the appointing person in accordance with the Regulations. The Regulations allow us to recover our reasonable costs for making arrangements to appoint a local auditor in these circumstances, for example if we need to embark on a further procurement or enter into further discussions with our contracted firms.

If you have any other questions not covered by our information, do not hesitate to contact us by email at [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk). We also publish answers to [frequently asked questions](#) on our website.

If you would like to discuss a particular issue with us, please send an email also to [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk), and we will respond to you.

Yours sincerely

Tony Crawley  
Chief Executive

Encl: Summary of the national scheme

**Appointing Period 2023/24 to 2027/28**

**Form of notice of acceptance of the invitation to opt in**

(Please use the details and text below to submit to PSAA your body's formal notice of acceptance of the invitation to opt into the appointing person arrangements from 2023)

Email to: [ap2@psaa.co.uk](mailto:ap2@psaa.co.uk)

Subject: <b>Leicester City Council Notice of acceptance of the invitation to become an opted-in authority</b>
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This email is notice of the acceptance of your invitation dated 22 September 2021 to become an opted-in authority for the audit years 2023/2024 to 2027/2028 for the purposes of the appointment of our auditor under the provisions of the Local Audit and Accountability Act 2014 and the requirements of the Local Audit (Appointing Person) Regulations 2015.

I confirm that **Leicester City Council** has made the decision to accept your invitation to become an opted-in authority in accordance with the decision making requirements of the Regulations, and that I am authorised to sign this notice of acceptance on behalf of the authority.

Name: **[insert name of signatory]**

Title: **[insert role of signatory]** (authorised officer)

For and on behalf of: **Leicester City Council**

Date: **[insert date completed]**



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# **Elected member absence from meetings**

Full Council

Date of meeting: 25 November 2021

Lead director/officer: Kamal Adatia, Monitoring Officer

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### Useful information

- Ward(s) affected: Evington
- Report author: Kamal Adatia / Matthew Reeves

#### 1. Purpose of report

To consult with the Council to determine whether or not an approval is to be granted for the continued absence of Councillor Govind prior to the expiry of a period of six months since he last attended at Council, a Committee, Sub-Committee or as a representative of the Authority. If not granted, the Council must forthwith declare Councillor Govind's seat vacant immediately the six months period has been reached (7<sup>th</sup> January 2022).

#### 2. Recommended actions/decision

- 2.1 Approve the waiver of the six-month attendance rule provided for within Section 85(1) of the Local Government Act for Councillor Ratilal Govind due to illness.
- 2.2 Having regard to the extenuating circumstances arising from Councillor Govind's illness, Members are asked to grant an extension of time until the end of the current municipal year, 19 May 2022.

#### 3. Scrutiny / stakeholder engagement

None.

#### 4. Detailed report

- 4.1 The Local Government Act 1972 (Section 85) provides that, if a Member of a local authority, through a period of six consecutive months from the date of his/her last attendance, does not attend any meeting of the authority, he/she ceases to be a Member of the Authority.
- 4.2 If, however, the Member's non-attendance is due to some reason approved by the Authority before the expiry of the period, then such cessation does not take place.
- 4.3 The Executive functions within the Council's constitution delegate the granting of any such approval under Section 85 of the Local Government Act 1972 to the Monitoring Officer on consultation with the Council.
- 4.4 Councillor Govind's last attendance was at Council on 8<sup>th</sup> July 2021. Having regard to the above legal provisions, Councillor Govind will be disqualified unless he is able to attend a relevant meeting before 7<sup>th</sup> January 2021.
- 4.5 Councillor Govind's absence has been caused by a medical condition requiring intensive treatment. His co-councillors in the Ward have worked cooperatively to ensure that Ward matters have been picked up and addressed.

4.6 When such circumstances have arisen in recent years for Councillors, Council approved an extension of non-attendance past the six months period stipulated in the Local Government Act 1972 (Section 85) with the position being reviewed prior to the expiry of the extension.

## **5. Financial, legal, equalities, climate emergency and other implications**

### **5.1 Financial implications**

Councillor Govind is in receipt of the standard members' basic and travel and subsistence allowances.

Colin Sharpe, Deputy Director of Finance

### **5.2 Legal implications**

The Legal implications are contained within the report.

Kamal Adatia, City Barrister and Head of Standards

## **6. Background information and other papers:**

None

## **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)?**

N/a

## **9. Is this a "key decision"? If so, why?**

No

